S T A T E O F N E W Y O R K

6135--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the recalculation of James Mallan's benefit for disability pension purposes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Notwithstanding any provision of law to the contrary, James Mallan who commenced employment with the state department of correctional services on May 30, 1988, and who through no negligence of his own was disabled while completing his training at the academy on June 29, 1988 and who was granted disability retirement in April 1990 at one-third of his final salary, and who was reinstated by the state department of correctional services from January 27, 1992 through June 20, 1994 and who continued to receive disability retirement, and who was reinstated by the state department of correctional services on July 28, 1997 and who received performance related injuries on January 6, 2002 and January 26, 2005 while assisting another officer in controlling an inmate, shall be deemed a member of the New York state retirement system at the time of his application for disability retirement benefits on February 28, 2008, shall be deemed to be permanently disabled after such date, and shall have his benefit recalculated in accordance with section 507-a of the retirement and social security law basing such recalculation on his salary at the time of the application for disability retirement benefits on February 28, 2008, if he shall file an application therefor with the state comptroller on or before December 31, 2012.

S 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07907-04-2

This bill will deem James T. Mallan, currently a Section 507-a disability retiree receiving an annual benefit of 1/3 of final average salary, to have been a member of the New York State and Local Employees' Retirement System on February 28, 2008, and be eligible for a S.507-a disability pension with a final average salary based on his salary earned with the New York State Department of Correctional Services as of February 28, 2008.

If this bill is enacted, we anticipate that there will be a past service cost of approximately $126,000 which will be borne by the State of New York and all the participating employers in the New York State and Local Employees' Retirement System.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated April 25, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-138, prepared by the Actuary for the New York State and Local Employees' Retirement System.