

7128--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 1, 2013

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Introduced by M. of A. ABBATE, AUBRY, McDONOUGH -- 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 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system

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

1     Section 1. Subdivision a of section 605-a of the retirement and social  
2 security law, as amended by chapter 489 of the laws of 2008, is amended  
3 to read as follows:  
4     a. A member employed as a uniformed court officer or peace officer in  
5 the unified court system shall be entitled to an accidental disability  
6 retirement allowance if, at the time application therefor is filed, such  
7 member is:  
8     1. Physically or mentally incapacitated for performance of duty as the  
9 natural and proximate result of an accident, not caused by his own will-  
10 ful negligence, sustained in such service and while actually a member of  
11 the retirement system; and  
12     2. Actually in service upon which his or her membership is based.  
13 However, in a case where a member is discontinued from service subse-  
14 quent to the accident, either voluntarily or involuntarily, and provided  
15 that the member meets the requirements of paragraph one of this subdivi-  
16 sion, application may be made either (a) by a vested member incapaci-  
17 tated as the result of a qualifying World Trade Center condition as

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

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1 defined in section two of this chapter at any time, or (b) not later  
2 than two years after the member is first discontinued from service.

3 FOR PURPOSES OF THIS SUBDIVISION, A MEMBER WHO IS INJURED AS THE  
4 RESULT OF A PHYSICAL ASSAULT BY AN ASSAILANT, SUFFERED WHILE IN SERVICE  
5 SHALL BE ENTITLED TO ACCIDENTAL DISABILITY RETIREMENT UNLESS THE CONTRA-  
6 RY CAN BE PROVEN BY COMPETENT EVIDENCE UNDER THIS SECTION.

7 S 2. Notwithstanding any other provision of law to the contrary, none  
8 of the provisions of this act shall be subject to section 25 of the  
9 retirement and social security law.

10 S 3. This act shall take effect immediately.

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

This bill would allow Tier 3, 4, 5 and 6 uniformed court officers and peace officers in the unified court system to be eligible for an accidental disability for injuries sustained in the performance of duty and the result of an injury sustained in the performance or discharge of duty by or as the result of an assault by an assailant, unless the contrary be proven by competent evidence. The benefit for an accidental disability would be 75% of final average salary less worker's compensation.

If this bill is enacted, the cost will vary depending on the members' age, service, tier and salary. It is estimated that the average per person cost will be approximately three (3) times salary.

The exact number of members who could be affected by this legislation cannot be readily determined. In all likelihood, very few members would be affected.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 11, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-81, prepared by the Actuary for the New York State and Local Employees' Retirement System.