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

9562

I N A S S E M B L Y

May 7, 2014

Introduced by M. of A. ABBATE, GOLDFEDER, BENEDETTO, SKOUFIS -- Multi-Sponsored by -- M. of A. NOLAN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to injuries or illnesses suffered as a result of participating in rescue, recovery and cleanup directly related to attacks at the World Trade Center on September 11, 2001

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

Section 1. Paragraph (a) of subdivision 36 of section 2 of the retirement and social security law, as added by chapter 489 of the laws of 2013, is amended to read as follows:

(a) "Qualifying World Trade Center condition" shall mean a qualifying condition or impairment of health resulting in disability to a member who participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period, as those terms are defined below, provided the following conditions have been met: (i) such member, or eligible beneficiary in the case of the member's death, must have filed a written and sworn statement with the member's retirement system on a form provided by such system indicating the underlying dates and locations of employment not later than September eleventh, two thousand [ten, or any later date as hereinafter provided in this paragraph;] FIFTEEN, and (ii) such member has either successfully passed a physical examination for entry into public service, or authorized release of all relevant medical records, if the member did not undergo a physical examination for entry into public service; and (iii) there is no evidence of the qualifying condition or impairment of health that formed the basis for the disability in such physical examination for entry into public service or in the relevant medical records, prior to September eleventh, two thousand one EXCEPT FOR SUCH MEMBER, OR ELIGIBLE BENEFICIARY IN THE CASE OF THE MEMBER'S DEATH, OF A LOCAL RETIREMENT SYSTEM OF A CITY WITH A POPULATION OF ONE MILLION OR MORE THAT IS COVERED BY SECTION 13-551 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, OR BY SECTION TWENTY-FIVE HUNDRED SEVENTY-FIVE OF THE EDUCATION LAW AND FOR SUCH

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

LBD14985-01-4

MEMBER WHO SEPARATED FROM SERVICE WITH VESTED RIGHTS, OR ELIGIBLE BENEFICIARY OF SUCH MEMBER WHO SEPARATED FROM SERVICE WITH VESTED RIGHTS IN THE CASE OF THE MEMBER'S DEATH, OF A LOCAL RETIREMENT SYSTEM OF A CITY WITH A POPULATION OF ONE MILLION OR MORE WHO ARE COVERED BY SECTIONS 13-168, 13-252.1 OR 13-353.1 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR SECTIONS FIVE HUNDRED SEVEN-C, SIX HUNDRED FIVE-B, SIX HUNDRED FIVE-C, OR SIX HUNDRED SEVEN-B OF THIS CHAPTER. The deadline for filing a written and sworn statement required by subparagraph (i) of this paragraph [is hereby extended to] SHALL BE September eleventh, two thousand fourteen for such member, or eligible beneficiary in the case of the member's death, of a local retirement system of a city with a population of one million or more that is covered by section 13-551 of the administrative code of the city of New York, or by section twenty-five hundred seventy-five of the education law and for such member who separated from service with vested rights, or eligible beneficiary of such member who separated from service with vested rights in the case of the member's death, of A local retirement [systems] SYSTEM of a city with a population of one million or more who are covered by sections 13-168, 13-252.1 [and] OR 13-353.1 of the administrative code of the city of New York and sections five hundred seven-c, six hundred five-b, six hundred five-c, [and] OR six hundred seven-b of this chapter. Every retirement system shall keep a copy of every written and sworn statement that is presented for filing not later than September eleventh, two thousand [fourteen] FIFTEEN, including those that are rejected for filing as untimely.

S 2. This act shall take effect immediately.

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

PROVISIONS OF PROPOSED LEGISLATION: With respect to the New York City Retirement Systems ("NYCRS"), the proposed legislation would amend Retirement and Social Security Law ("RSSL") Section 2, to extend the deadline for filing a registration of participation under the World Trade Center ("WTC") Disability Law to certain members who participated in the Rescue, Recovery or Cleanup operations related to the World Trade Center attack on September 11, 2001.

The NYCRS include: New York City Employees' Retirement System ("NYCERS"), New York City Teachers' Retirement System ("NYCTRS"), New York City Board of Education Retirement System ("BERS"), New York City Police Pension Fund ("POLICE") and New York Fire Department Pension Fund ("FIRE").

The WTC Disability Law was enacted under Chapter 104 of the Laws of 2005, and was amended by Chapter 93 of the Laws of 2005, Chapter 102 of the Laws of 2006, Chapter 444 of the Laws of 2006, Chapter 445 of the Laws of 2006, Chapter 5 of the Laws of 2007, Chapter 214 of the Laws of 2007, Chapter 495 of the Laws of 2007, Chapter 489 of the Laws of 2008, Chapter 361 of the Laws of 2010 and Chapter 489 of 2013.

The Effective Date of this proposed legislation would be the date of enactment.

DEADLINES FOR FILING A REGISTRATION OF PARTICIPATION UNDER EXISTING WTC-RELATED PROVISIONS: Under current law, as a result of the enactment of Chapter 489 of 2013, the deadline for filing a written and sworn statement with the member's retirement system to register for participation under the WTC Disability Law is September 11, 2014 for certain groups ("Chapter 489/13 Covered Groups"). These Chapter 489/13 Covered Groups are as follows:

* Active, vested and retired members in NYCTRS in Tiers I and II
* Active, vested and retired members in BERS in Tiers I and II

* Vested members in NYCERS in Tiers I and II
* Vested members in POLICE in Tiers I and II
* Vested members in FIRE in Tiers I and II
* Vested Uniformed Corrections members in NYCERS in Tier III
* Vested Uniformed Sanitation members in NYCERS in Tier IV
* Vested Deputy Sheriff members in NYCERS in Tier IV and Tier VI
* Vested EMT members in NYCERS in Tier IV and Tier VI

Similarly, the deadline for filing a written and sworn statement with the member's retirement system to register for participation under the WTC Disability law is September 11, 2010 for all groups not included in the Chapter 489/13 Covered Groups (the "Original Covered Groups").

DEADLINES FOR FILING A REGISTRATION OF PARTICIPATION UNDER PROPOSED LEGISLATION: With respect to the NYCRS, the proposed legislation would extend the deadline for filing a registration of participation under the WTC Disability Law for the Original Covered Groups from September 11, 2010 to September 11, 2015. The deadline for filing a registration of participation under the WTC Disability Law for the Chapter 489/13 Covered Groups would remain unchanged at September 11, 2014.

ADDITIONAL EMPLOYER COSTS: The cost of the proposed legislation would depend on the number of additional members who file the required form, meet the requirements and then ultimately benefit from one of the WTC Disability Laws.

As the Actuary believes that most members who would be eligible for the benefits provided under the WTC Disability Law have already filed the required form to register for participation, only a few members likely would benefit from the proposed legislation and, therefore, the increase in employer costs likely would be de minimis.

ADDITIONAL EMPLOYER CONTRIBUTIONS: In general, the increase in employer contributions will be comparable to the increase in employer costs.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer costs and contributions have been determined based on the actuarial assumptions and methods used in June 30, 2013 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and determining annual employer contributions to the NYCRS.

However, the economic assumptions that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed by the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2014 Legislative Session. It is Fiscal Note 2014-18, dated April 30, 2014, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.