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

9986

I N A S S E M B L Y

June 5, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the exchange of information between the workers' compensation board and the New York city employees' retirement system

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

Section 1. Paragraph (c) of subdivision 4 of section 25 of the workers' compensation law, as amended by chapter 92 of the laws of 1973, is amended to read as follows:

(c) If the employer or comptroller of the state or city of New York or trustees duly constituted under any welfare, pension or benefit plan, agreement or trust to which the injured employee is a party or of which he OR SHE is a beneficiary, and which plan, agreement or trust shall provide that the injured employee shall not be entitled to or shall be limited in the amount of benefits or payments thereunder if he OR SHE shall be entitled to benefits under this chapter, shall have advanced or paid benefits or payments thereunder to the injured employee during any period in which his OR HER right to benefits under this chapter was not determined, then and in such event such employer or comptroller of the state or city of New York or trustees shall be entitled to be reimbursed out of the unpaid instalment or instalments of compensation due, provided claim therefor is filed together with proof of the terms of said plan, agreement or trust and of the fact and amount of payment with the board before award of compensation is made. THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM SHALL PROVIDE TO THE BOARD ON A MONTHLY BASIS A LISTING IN AN ELECTRONIC FORMAT INCLUDING THE NAMES AND SOCIAL SECURITY NUMBERS OF INJURED EMPLOYEES TO WHOM BENEFIT PAYMENTS WERE PAID OR ADVANCED BY SUCH SYSTEM AND WHOSE BENEFIT PAYMENTS ARE LIMITED BY WORKERS' COMPENSATION BENEFITS AWARDED UNDER THIS CHAPTER. THE BOARD SHALL VERIFY WHICH INJURED EMPLOYEES HAVE BEEN AWARDED WORKERS' COMPENSATION BENEFITS AND RETURN THE LISTING TO THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING INFORMATION RELATING TO THE AWARD FOR EACH INJURED EMPLOYEE: DATE OF ACCIDENT,

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

LBD15425-01-4

BOARD CASE NUMBER, CARRIER IDENTIFICATION NUMBER, CARRIER CASE NUMBER, BEGINNING AND ENDING DATES OF DISABILITY, PAYMENT INTERVAL, AND PAYMENT AMOUNT. THE BOARD SHALL RETURN THE LISTING TO THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM NO LATER THAN FOURTEEN DAYS AFTER ITS RECEIPT.

S 2. This act shall take effect immediately.

FISCAL NOTE. -- PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Workers' Compensation Law ("WCL") Section 25.4(c) to require that the Workers' Compensation Board ("WCB") provide the New York City Employees' Retirement System ("NYCERS") with information relating to Workers' Compensation benefits awarded to retirees of NYCERS whose pension payments are subject to an offset by those benefits.

Currently, WCL Section 25 allows NYCERS to file claims with the WCB for reimbursement of pension benefit payments advanced or paid to retirees before Workers' Compensation benefits are awarded. However, confirmation of which retirees have received Workers' Compensation benefits has not been forthcoming which has impacted NYCERS' ability to implement the offset provisions and initiate the claim process in a timely manner.

This proposed legislation would authorize NYCERS to provide a listing in electronic format to the WCB of injured employees to whom benefit payments were paid or advanced and whose benefit payments are offset by Workers' Compensation benefits with the requirement that the WCB verify which injured employees have been awarded Workers' Compensation benefits and return the listing to NYCERS with certain information related to their awards no later than fourteen days after its receipt.

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

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUE OF BENEFITS, EMPLOYER NORMAL COST, ACTUARIAL ACCRUED LIABILITY AND EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation is expected to result in little or no change in the Actuarial Present Value of Benefits, Employer Normal Cost, Actuarial Accrued Liability or employer contributions to NYCERS.

The enactment of this proposed legislation would, however, result in more accurate and timely processing of certain disability benefit payments from NYCERS.

FINANCIAL IMPACT - ADMINISTRATIVE EXPENSES: The enactment of this legislation would result in some administrative expenses to NYCERS and the WCB, offset by savings to NYCERS in the processing of certain disability benefit payouts.

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 2014-02, dated December 12, 2013, prepared by the Chief Actuary for the New York City Retirement Systems.