

5670

2013-2014 Regular Sessions

I N   S E N A T E

June 3, 2013

---

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and  
when printed to be committed to the Committee on Civil Service and  
Pensions

AN ACT to amend the retirement and social security law, in relation to  
disability retirement benefits for sheriffs, deputy sheriffs, undersh-  
eriffs, and correction officers

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

1     Section 1. Section 607-c of the retirement and social security law is  
2     amended by adding a new subdivision f to read as follows:  
3     F. ANY SHERIFF, DEPUTY SHERIFF, UNDERSHERIFF, OR CORRECTION OFFICER AS  
4     DEFINED IN SUBDIVISION A OF SECTION SIXTY-THREE-B OF THIS CHAPTER, AND  
5     WHO ARE EMPLOYED IN A COUNTY WHICH MAKES AN ELECTION PURSUANT TO SUBDI-  
6     VISION D OF SUCH SECTION SIXTY-THREE-B, WHO BECOMES PHYSICALLY OR  
7     MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTIES AS THE NATURAL AND  
8     PROXIMATE RESULT OF AN INJURY, SUSTAINED IN THE PERFORMANCE OR DISCHARGE  
9     OF HIS OR HER DUTIES BY, OR AS THE NATURAL AND PROXIMATE RESULT OF AN  
10    INTENTIONAL OR RECKLESS ACT OF ANY CIVILIAN VISITING, OR OTHERWISE PRES-  
11    ENT AT, AN INSTITUTION UNDER THE JURISDICTION OF SUCH COUNTY, SHALL BE  
12    PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THAT  
13    WHICH IS PROVIDED IN SECTION SIXTY-THREE OF THIS CHAPTER, SUBJECT TO THE  
14    PROVISIONS OF SECTION SIXTY-FOUR OF THIS CHAPTER.  
15    S 2. This act shall take effect immediately.

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

This bill will allow any sheriff, undersheriff, deputy sheriff or  
correction officer whose employer has elected to provide the performance  
of duty benefits of Section 607-c of the Retirement and Social Security  
Law to become eligible to receive such performance of duty benefit due  
to the intentional or reckless act of a civilian visiting an institution  
under the jurisdiction of such county. The benefit will be 75% of final  
average salary less worker's compensation. Currently, to be eligible for

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

LBD11204-01-3

such improved benefit, it is required that such injuries were sustained as the result of an "act of an inmate".

If this bill is enacted, it is estimated that very few members will be affected. For every such affected member, we estimate that there will be an average one-time cost of approximately 4 times the member's annual salary.

Pursuant to Section 25 of the Retirement and Social Security Law, these per person one-time costs would be borne by the State of New York and would require an itemized appropriation by the State of New York sufficient to pay the cost of the provision. The State may amortize these per person one-time costs over a period of 5 years.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 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, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 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 March 7, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-92, prepared by the Actuary for the New York State and Local Employees' Retirement System.