

5153

2013-2014 Regular Sessions

I N S E N A T E

May 13, 2013

Introduced by Sen. FLANAGAN -- 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 probation officers in the Suffolk county department of probation

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 63-g to read as follows:

3 S 63-G. PERFORMANCE OF DUTY DISABILITY RETIREMENT; CERTAIN EMPLOYEES.
4 ANY MEMBER EMPLOYED BY THE SUFFOLK COUNTY PROBATION DEPARTMENT AS A
5 PROBATION OFFICER, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR
6 THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN
7 INJURY SUSTAINED IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES
8 SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE
9 EQUAL TO ONE-HALF HIS OR HER FINAL AVERAGE SALARY.

10 S 2. The retirement and social security law is amended by adding a new
11 section 607-i to read as follows:

12 S 607-I. PERFORMANCE OF DUTY DISABILITY RETIREMENT; CERTAIN EMPLOYEES.
13 ANY MEMBER EMPLOYED BY THE SUFFOLK COUNTY PROBATION DEPARTMENT AS A
14 PROBATION OFFICER, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR
15 THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN
16 INJURY SUSTAINED IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES
17 SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE
18 EQUAL TO ONE-HALF HIS OR HER FINAL AVERAGE SALARY.

19 S 3. This act shall take effect immediately.

FISCAL NOTE.--This bill would provide improved disability benefits to probation officers employed by the Suffolk County probation department. They would be eligible for a performance of duty disability retirement allowance which would be 50% of final average salary.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately \$226,000 in

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

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the annual contributions of the Suffolk County for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$970,000 which will be borne by Suffolk County as a onetime payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

These estimated costs are based on 214 known affected members having a total salary for the fiscal year ending March 31, 2013 of approximately \$17.9 million.

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 May 10, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-144, prepared by the Actuary for the New York State and Local Employees' Retirement System.