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

5670--A

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 -- 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 disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers

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

Section 1. Section 607-c of the retirement and social security law is amended by adding a new subdivision f to read as follows:

F. ANY SHERIFF, DEPUTY SHERIFF, UNDERSHERIFF, OR CORRECTION OFFICER AS DEFINED IN SUBDIVISION A OF SECTION SIXTY-THREE-B OF THIS CHAPTER, AND WHO ARE EMPLOYED IN A COUNTY WHICH MAKES AN ELECTION PURSUANT TO SUBDIVISION D OF SUCH SECTION SIXTY-THREE-B, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN INJURY, SUSTAINED IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES BY, OR AS THE NATURAL AND PROXIMATE RESULT OF AN INTENTIONAL OR RECKLESS ACT OF ANY CIVILIAN VISITING, OR OTHERWISE PRESENT AT, AN INSTITUTION UNDER THE JURISDICTION OF SUCH COUNTY, SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THAT WHICH IS PROVIDED IN SECTION SIXTY-THREE OF THIS CHAPTER, SUBJECT TO THE PROVISIONS OF SECTION SIXTY-FOUR OF THIS CHAPTER.

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

S 3. 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

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

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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 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.