

STATE OF NEW YORK

10780

IN ASSEMBLY

May 18, 2018

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT authorizing James J. Kelly to reapply for accidental disability retirement benefits due to injuries sustained while employed as a police officer for the town of Orangetown

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any provision of law to the contrary, James
2 J. Kelly, who was employed as a police officer with the Town of Orange-
3 town Police Department, from January 27, 2003 through January 28, 2014
4 and who, on October 29, 2012 was seriously injured during Hurricane
5 Sandy, which was an extraordinary event, when he was dispatched to a
6 partially collapsed home upon which a tree had fallen killing the father
7 and trapping three family members, was apprised that both the fire
8 department and emergency medical services could not respond to the situ-
9 ation for approximately two hours, responded to the urgency of the blood
10 curdling screams, began to rescue the family members when he blocked a
11 falling rafter that would have injured his partner and one of the family
12 members with his forearm, and, as a result of such critical injuries has
13 been unable to return to work with the Town of Orangetown Police Depart-
14 ment, and who, for reasons not ascribable to his own negligence, has
15 been denied accidental disability retirement from the Town of Orangetown
16 Police Department, shall be entitled to reapply for a disability retire-
17 ment from the Town of Orangetown Police Department on the basis that his
18 actions during Hurricane Sandy were outside the scope of his duties as a
19 police officer, if, on or before December 31, 2019 he files a written
20 request with the state comptroller to that effect.

21 § 2. This act shall take effect immediately.

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

This bill would allow James J. Kelly to refile for an accidental disability benefit on the basis that he incurred a disability as a result of his actions that were outside of the scope of his duties as a police officer.

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

LBD15641-03-8

If this bill is enacted during the 2018 legislative session and James J. Kelly is approved for the accidental disability benefit, there will be an immediate past service cost of approximately \$601,000 assuming no Worker's Compensation has been awarded. This past service cost would be reduced if a Worker's Compensation benefit has been awarded. This cost would be shared by the State of New York and the participating employers of the Police and Fire Retirement System.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 4, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-96, prepared by the Actuary for the New York State and Local Retirement System.