STATE OF NEW YORK

4331

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

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

AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for certain correction employees in Suffolk county

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 g to read as follows:

g. Any warden, deputy warden, correction captain, correction lieutenant, correction lieutenant investigator, correction sergeant, correction sergeant investigator, correction investigator or correction officer as defined in subdivision a of section sixty-three-b of this chapter, who is employed in Suffolk county, and 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 where such injury was sustained and documented after the enactment of this section, 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. Notwithstanding any other provision of law to the contrary, none of the provisions of this subdivision shall be subject to section twenty-five of this chapter.

§ 2. All past service costs associated with implementing the provisions of this act will be borne by Suffolk county, and may be amortized over a 10 year period.

§ 3. This act shall take effect immediately.

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

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

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This bill will allow any warden, deputy warden, correction captain, correction lieutenant, correction lieutenant investigator, correction sergeant, correction sergeant investigator, correction investigator or correction officer employed by Suffolk County to become eligible to receive a 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". Such injuries must be sustained and documented after the enactment of this legislation.

If this legislation is enacted during the 2017 legislative session, we anticipate that there will be an increase in the annual contributions of Suffolk County of approximately $220,000 for the fiscal year ending March 31, 2018.

In addition to the annual contributions discussed above, it is estimated that there will be a past service cost of approximately $1.26 million which would be borne by Suffolk County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2018. If Suffolk County elects to amortize this cost over a 10 year period, the cost for the first year would be $168,000.

These estimated costs are based on 907 affected officers employed by Suffolk County with a total estimated annual salary of approximately $100 million for the fiscal year ending March 31, 2016.

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, 2016 actuarial valuation. Distributions and other statistics can be found in the 2016 Report of the Actuary and the 2016 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 and 2016 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, 2016 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 January 19, 2017, and intended for use only during the 2017 Legislative Session, is Fiscal Note No. 2017-30, prepared by the Actuary for the New York State and Local Retirement System.