

STATE OF NEW YORK

3770--B

Cal. No. 743

2017-2018 Regular Sessions

IN SENATE

January 26, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA

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 363-ddd to read as follows:

3 § 363-ddd. Impairments of health; presumption; Staph/MRSA. Notwith-
4 standing any provision of this chapter or of any general, special or
5 local law to the contrary, any police officer or firefighter who is
6 covered by the provisions of section three hundred sixty-three of this
7 title and who contracts methicillin resistant staphylococcus aureus
8 (MRSA) or Staph/MRSA will be presumed to have contracted such disease in
9 the performance or discharge of his or her duties as the natural and
10 proximate result of an accident and to be disabled from the performance
11 of his or her duties unless the contrary be proven by competent
12 evidence.

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

16 § 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 affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or Staph/MRSA will qualify them for an accidental disability retirement, unless the contrary be proven by competent evidence.

If this bill is enacted, it would lead to more disabilities being classified as "accidental". The cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable.

Benefit without enactment:	None	Ordinary Disability	In Performance of Duty Disability	Service Disability
Cost for revised benefit:	9 times salary	5 times salary	2.5 times salary	2 times salary

However, we anticipate that few additional accidental disability retirements will be granted, and thus, the resulting costs are expected to be negligible.

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 February 27, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-64, prepared by the Actuary for the New York State and Local Retirement System.