STATE OF NEW YORK

8164--B

2017-2018 Regular Sessions

IN ASSEMBLY

June 1, 2017

Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The retirement and social security law is amended by adding a new section 363-ddd to read as follows:

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

§ 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.

§ 3. This act shall take effect immediately.

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

This bill will affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or

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

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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
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.