

STATE OF NEW YORK

3991--A

Cal. No. 1458

2017-2018 Regular Sessions

IN SENATE

February 1, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged and said bill committed to the Committee on Rules -- ordered to a 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 including assistant wardens as eligible members for performance of duty disability retirement benefits

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

1 Section 1. Subdivisions a, b and paragraph 2 of subdivision d of
2 section 63-b of the retirement and social security law, as added by
3 chapter 639 of the laws of 1999, are amended to read as follows:

4 a. A member employed by a county shall be eligible for a performance
5 of duty disability retirement if the county elects to make the benefits
6 provided herein available, as provided for in subdivision d of this
7 section, and such member is a sheriff, deputy sheriff, undersheriff,
8 assistant warden or correction officer.

9 b. Any sheriff, deputy sheriff, undersheriff, assistant warden or
10 correction officer as defined in subdivision a of this section, who
11 becomes physically or mentally incapacitated for the performance of
12 duties as the natural and proximate result of an injury, sustained in
13 the performance or discharge of his or her duties by, or as the natural
14 and proximate result of an act of any inmate or any person confined in
15 an institution under the jurisdiction of such county, shall be paid a
16 performance of duty disability retirement allowance equal to that which
17 is provided in section sixty-three of this title, subject to the
18 provisions of section sixty-four of this title.

19 2. The performance of duty disability retirement as defined in subdi-
20 visions b and c of this section shall be available only to sheriffs,
21 deputy sheriffs, undersheriffs, assistant wardens and correction offi-

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

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1 cers whose employer elects to provide such benefits by adopting a resolu-
2 tion to such effect and filing a certified copy thereof with the comp-
3 troller. Such resolution shall be accompanied by the affidavit of the
4 chief executive officer of the county that the county has received an
5 estimate from the retirement system of the cost of the benefit provided
6 by this section.

7 § 2. Subdivisions a and f of section 607-c of the retirement and
8 social security law, subdivision a as added by chapter 639 of the laws
9 of 1999 and subdivision f as added by chapter 521 of the laws of 2014,
10 are amended to read as follows:

11 a. Any sheriff, deputy sheriff, undersheriff, assistant warden or
12 correction officer as defined in subdivision a of section sixty-three-b
13 of this chapter, and who are employed in a county which makes an
14 election pursuant to subdivision d of such section sixty-three-b, who
15 becomes physically or mentally incapacitated for the performance of
16 duties as the natural and proximate result of an injury, sustained in
17 the performance or discharge of his or her duties by, or as the natural
18 and proximate result of any act of any inmate or any person confined in
19 an institution under the jurisdiction of such county, shall be paid a
20 performance of duty disability retirement allowance equal to that which
21 is provided in section sixty-three of this chapter, subject to the
22 provisions of section sixty-four of this chapter.

23 f. Any sheriff, deputy sheriff, undersheriff, assistant warden or
24 correction officer as defined in subdivision a of section sixty-three-b
25 of this chapter, and who are employed in Westchester county, who becomes
26 physically or mentally incapacitated for the performance of duties as
27 the natural and proximate result of an injury, sustained in the perform-
28 ance or discharge of his or her duties by, or as the natural and proxi-
29 mate result of an intentional or reckless act of any civilian visiting,
30 or otherwise present at, an institution under the jurisdiction of such
31 county, shall be paid a performance of duty disability retirement allow-
32 ance equal to that which is provided in section sixty-three of this
33 chapter, subject to the provisions of section sixty-four of this chap-
34 ter.

35 § 3. Notwithstanding any other provision of law to the contrary, none
36 of the provisions of this act shall be subject to the appropriation
37 requirement of section 25 of the retirement and social security law.

38 § 4. This act shall take effect immediately.

FISCAL NOTE.--This bill will grant coverage under a 75% of pay
performance of duty disability benefit for assistant wardens whose
employers already have elected to provide this benefit for their sher-
iff, undersheriff, deputy sheriffs and correction officers.

If this bill is enacted, the increase in the annual contributions of
such affected counties will depend on the current salary and plan cover-
age of the affected members in its employ. For the fiscal year ending
March 31, 2018, the additional annual cost, expressed as a percentage of
annual pay of the affected members, will be 2.1% of pay for tiers 3, 4
and 5, and 1.9% of pay for tier 6. In future years, this annual cost
will vary as the billing rates of these plans change.

There would also be a one-time past service cost of 12.6% of the
affected wardens' annual billing salaries. This past service cost would
be shared by the State of New York and the participating employers in
the New York State and Local Employees' 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, 2016 actuarial valu-

ation. 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 30, 2017, and intended for use only during the 2017 Legislative Session, is Fiscal Note No. 2017-41, prepared by the Actuary for the New York State and Local Retirement System.