STATE OF NEW YORK

5410

2017-2018 Regular Sessions

IN SENATE

March 24, 2017

Introduced by Sens. FLANAGAN, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund

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

Section 1. Subdivision 28 of section 501 of the retirement and social security law, as added by chapter 298 of the laws of 2016, is amended to read as follows:

28. "New York city enhanced plan member" shall mean (a) a New York city police/fire revised plan member who becomes subject to the provisions of this article on or after June fifteenth, two thousand sixteen and who is a member of the New York city fire department pension fund, (b) a police/fire member who is a member of the New York city fire department pension fund and who makes an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of such pension fund no later than one hundred twenty days after the effective date of this subdivision, to be subject to the provisions of this article related to New York city enhanced plan members, [~~or~~] (c) a New York city police/fire revised plan member who became subject to the provisions of this article before June fifteenth, two thousand sixteen, who is a member of the New York city fire department pension fund, and who makes an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of such pension fund no later than one hundred twenty days after the effective date of this subdivision, to be subject to the provisions of this article related to New York city enhanced plan members**, (d) a New York city police/fire revised plan member who becomes subject to the provisions of this article on or after April first, two thousand seventeen and who is a member**

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

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of the New York city police pension fund, (e) a police/fire member who is a member of the New York city police pension fund and who makes an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of such pension fund no later than one hundred twenty days after the effective date of the chapter of the laws of two thousand seventeen which amended this subdivision, to be subject to the provisions of this article related to New York city enhanced plan members, or (f) a New York city police/fire revised plan member who became subject to the provisions of this article before April first, two thousand seventeen, who is a member of the New York city police pension fund, and who makes an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of such pension fund no later than one hundred twenty days after the effective date of the chapter of the laws of two thousand seventeen which amended this subdivision, to be subject to the provisions of this article related to New York city enhanced plan members.

§ 2. Subdivision b of section 507 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

b. A police/fire member in active service, a New York city uniformed correction/sanitation revised plan member in active service or an investigator revised plan member in active service, or a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in section two of this chapter, who is not eligible for a normal service retirement benefit shall be eligible for the accidental disability benefit either as provided in subdivision a of this section or if such member is physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident sustained in such active service and not caused by such member's own willful negligence; provided, however, that no New York city enhanced plan member who is a member of the New York city police pension fund who is otherwise eligible for accidental disability benefits pursuant to this section shall be deemed to be ineligible for such benefits because such member is eligible for a normal service retirement benefit.

§ 3. Subdivision h of section 517 of the retirement and social security law, as added by chapter 298 of the laws of 2016, is amended to read as follows:

h. Notwithstanding any inconsistent provision of subdivision a of this section, New York city enhanced plan members who are members of the New York city fire department pension fund shall, as of the effective date of this subdivision pursuant to chapter two hundred ninety-eight of the laws of two thousand sixteen, contribute three percent of annual wages to the pension fund in which they have membership, plus an additional percentage of annual wages as set forth in [~~the~~] chapter two hundred ninety-eight of the laws of two thousand sixteen [~~which added this subdivision~~].

§ 4. Section 517 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

i. Notwithstanding any inconsistent provision of subdivision a of this section, New York city enhanced plan members who are members of the New York city police pension fund shall, as of the effective date of this subdivision, contribute three percent of annual wages to the pension fund in which they have membership, plus an additional percentage of annual wages as set forth in the chapter of the laws of two thousand seventeen which added this subdivision.

§ 5. New York City enhanced plan members, as defined in section 501 of the retirement and social security law as amended by section one of this act, shall contribute, pursuant to subdivision i of section 517 of the retirement and social security law, as added by section four of this act, an additional one percent of annual wages to the pension fund in which they have membership. Every three years from the effective date of this act, the actuary of such pension fund shall prepare an analysis, using current actuarial methods and assumptions in effect as of the date of such analysis, assessing the total cost of providing the benefits established by this act expressed as an employee contribution of a percentage of annual wages of New York City enhanced plan members which would require no additional employer contribution. On the basis of such analysis, the additional percentage of annual wages provided for herein shall be adjusted to equal one percent of annual wages plus any amount by which the employee contribution calculated in such analysis exceeds 2.2 percent of annual wages; provided, however, that in no event shall the additional percentage of annual wages exceed 1.5 percent.

§ 6. Section 81 of chapter 18 of the laws of 2012 shall not apply to this act.

§ 7. This act shall take effect immediately.

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

If this bill were to be enacted in the 2017 legislative session, the cost to the City of New York in fiscal year 2017-2018 would be approximately $13.5 million.

This fiscal note, dated March 24, 2017 is intended for use only during the 2017 Legislative Session.