

# 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 Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 28 of section 501 of the retirement and social  
2 security law, as added by chapter 298 of the laws of 2016, is amended to  
3 read as follows:  
4 28. "New York city enhanced plan member" shall mean (a) a New York  
5 city police/fire revised plan member who becomes subject to the  
6 provisions of this article on or after June fifteenth, two thousand  
7 sixteen and who is a member of the New York city fire department pension  
8 fund, (b) a police/fire member who is a member of the New York city fire  
9 department pension fund and who makes an election, which shall be irrev-  
10 ocable and shall be duly executed and filed with the administrative head  
11 of such pension fund no later than one hundred twenty days after the  
12 effective date of this subdivision, to be subject to the provisions of  
13 this article related to New York city enhanced plan members, [~~or~~] (c) a  
14 New York city police/fire revised plan member who became subject to the  
15 provisions of this article before June fifteenth, two thousand sixteen,  
16 who is a member of the New York city fire department pension fund, and  
17 who makes an election, which shall be irrevocable and shall be duly  
18 executed and filed with the administrative head of such pension fund no  
19 later than one hundred twenty days after the effective date of this  
20 subdivision, to be subject to the provisions of this article related to  
21 New York city enhanced plan members, (d) a New York city police/fire  
22 revised plan member who becomes subject to the provisions of this arti-  
23 cle 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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1 of the New York city police pension fund, (e) a police/fire member who  
2 is a member of the New York city police pension fund and who makes an  
3 election, which shall be irrevocable and shall be duly executed and  
4 filed with the administrative head of such pension fund no later than  
5 one hundred twenty days after the effective date of the chapter of the  
6 laws of two thousand seventeen which amended this subdivision, to be  
7 subject to the provisions of this article related to New York city  
8 enhanced plan members, or (f) a New York city police/fire revised plan  
9 member who became subject to the provisions of this article before April  
10 first, two thousand seventeen, who is a member of the New York city  
11 police pension fund, and who makes an election, which shall be irrev-  
12 ocable and shall be duly executed and filed with the administrative head  
13 of such pension fund no later than one hundred twenty days after the  
14 effective date of the chapter of the laws of two thousand seventeen  
15 which amended this subdivision, to be subject to the provisions of this  
16 article related to New York city enhanced plan members.

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

20 b. A police/fire member in active service, a New York city uniformed  
21 correction/sanitation revised plan member in active service or an inves-  
22 tigator revised plan member in active service, or a vested member inca-  
23 pacitated as the result of a qualifying World Trade Center condition as  
24 defined in section two of this chapter, who is not eligible for a normal  
25 service retirement benefit shall be eligible for the accidental disabil-  
26 ity benefit either as provided in subdivision a of this section or if  
27 such member is physically or mentally incapacitated for performance of  
28 duty as the natural and proximate result of an accident sustained in  
29 such active service and not caused by such member's own willful negli-  
30 gence; provided, however, that no New York city enhanced plan member who  
31 is a member of the New York city police pension fund who is otherwise  
32 eligible for accidental disability benefits pursuant to this section  
33 shall be deemed to be ineligible for such benefits because such member  
34 is eligible for a normal service retirement benefit.

35 § 3. Subdivision h of section 517 of the retirement and social securi-  
36 ty law, as added by chapter 298 of the laws of 2016, is amended to read  
37 as follows:

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

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

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

1 § 5. New York City enhanced plan members, as defined in section 501 of  
2 the retirement and social security law as amended by section one of this  
3 act, shall contribute, pursuant to subdivision i of section 517 of the  
4 retirement and social security law, as added by section four of this  
5 act, an additional one percent of annual wages to the pension fund in  
6 which they have membership. Every three years from the effective date of  
7 this act, the actuary of such pension fund shall prepare an analysis,  
8 using current actuarial methods and assumptions in effect as of the date  
9 of such analysis, assessing the total cost of providing the benefits  
10 established by this act expressed as an employee contribution of a  
11 percentage of annual wages of New York City enhanced plan members which  
12 would require no additional employer contribution. On the basis of such  
13 analysis, the additional percentage of annual wages provided for herein  
14 shall be adjusted to equal one percent of annual wages plus any amount  
15 by which the employee contribution calculated in such analysis exceeds  
16 2.2 percent of annual wages; provided, however, that in no event shall  
17 the additional percentage of annual wages exceed 1.5 percent.

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

20 § 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.