

STATE OF NEW YORK

10528

IN ASSEMBLY

May 28, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate, Heastie, Peoples-Stokes, Weinstein, Abinanti, Arroyo, Aubry, Barnwell, Barrett, Barron, Benedetto, Bichotte, Blake, Braunstein, Bronson, Buchwald, Burke, Buttenschon, Cahill, Carroll, Colton, Cook, Crespo, Cruz, Cusick, Cymbrowitz, Darling, Davila, De La Rosa, DenDekker, Dickens, Dilan, Dinowitz, D'Urso, Eichenstein, Englebright, Epstein, Fahy, Fall, Fernandez, Frontus, Galef, Gantt, Glick, Gottfried, Griffin, Gunther, Hevesi, Hunter, Hyndman, Jacobson, Jaffee, Jean-Pierre, Jones, Joyner, Kim, Lavine, Lentol, Lifton, Lupardo, Magnarelli, McDonald, McMahon, M. G. Miller, Mosley, Niou, Nolan, O'Donnell, Ortiz, Otis, Paulin, Perry, Pheffer Amato, Pichardo, Pretlow, Quart, Ramos, Reyes, Richardson, Rivera, Rodriguez, D. Rosenthal, L. Rosenthal, Rozic, Ryan, Santabarbara, Sayegh, Schimminger, Seawright, Simon, Simotas, Solages, Steck, Stern, Stirpe, Taylor, Thiele, Vanel, Walker, Wallace, Weprin, Williams, Woerner, Wright, Zebrowski) -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the retirement and social security law, the education law, the public authorities law and the administrative code of the city of New York, in relation to establishing a coronavirus disease 2019 (COVID-19) benefit for public employee death benefits; and providing for the repeal of such provisions upon the expiration thereof

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 61-b to read as follows:

3 § 61-b. COVID-19 benefit. a. Notwithstanding any other provision of
4 this article or of any general, special or local law to the contrary,
5 and solely for the purpose of determining eligibility for benefits under
6 this section, where:

7 1. A member reported in person to such member's usual place of public
8 employment at the direction of such member's public employer or to any
9 alternate worksite as directed by such public employer, on or after

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

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1 March first, two thousand twenty, provided that such alternate worksite
2 was not such member's home or residence;

3 2. Such member contracted COVID-19 within forty-five days after
4 reporting to work as described in paragraph one of this subdivision as
5 confirmed by a positive laboratory test or as diagnosed before or after
6 such member's death by a licensed, certified, registered or authorized
7 physician, nurse practitioner, or physician's assistant currently in
8 good standing in any state or the District of Columbia, or a physician,
9 nurse practitioner, or physician's assistant authorized to practice in
10 New York by executive order during the declared COVID-19 state of emer-
11 gency; and

12 3. Such member died on or before December thirty-first, two thousand
13 twenty, and COVID-19 caused or contributed to such member's death, as
14 documented on such member's death certificate, or as certified by a
15 physician, nurse practitioner, or physician's assistant described in
16 paragraph two of this subdivision who determines with a reasonable
17 degree of medical certainty that COVID-19 caused or contributed to the
18 member's death, such member's statutory beneficiary shall receive an
19 accidental death benefit, unless such statutory beneficiary elects to
20 receive an ordinary death benefit.

21 b. Any amount payable as a result of this section shall be reduced by
22 any amount paid by such member's retirement system to any recipient of
23 ordinary death benefits under this article.

24 c. 1. Notwithstanding any provision of this article or of any general,
25 special or local law to the contrary, and solely for the purpose of
26 determining eligibility for benefits under this section, where a member:

27 (i) retired from his or her retirement system on or after March first,
28 two thousand twenty, and before July first, two thousand twenty;

29 (ii) on or after March first, two thousand twenty, reported in person
30 to such member's usual place of public employment at the direction of
31 such member's public employer or to any alternate worksite as directed
32 by such public employer, provided that such alternate worksite was not
33 such member's home or residence;

34 (iii) contracted COVID-19 within forty-five days after any such date
35 of reporting to work in person, as confirmed by a positive laboratory
36 test or as diagnosed before or after such member's death by a licensed,
37 certified, registered or authorized physician, nurse practitioner, or
38 physician's assistant currently in good standing in any state or the
39 District of Columbia, or a physician, nurse practitioner, or physician's
40 assistant authorized to practice in New York by executive order during
41 the declared COVID-19 state of emergency; and

42 (iv) such member died on or before December thirty-first, two thousand
43 twenty, and COVID-19 caused or contributed to such member's death, as
44 documented on such member's death certificate, or as certified by a
45 physician, nurse practitioner, or physician's assistant described in
46 subparagraph (iii) of this paragraph who determines with a reasonable
47 degree of medical certainty that COVID-19 caused or contributed to the
48 member's death, such member's statutory beneficiary shall receive an
49 accidental death benefit if such statutory beneficiary elects conversion
50 of the member's service or disability retirement benefit into an acci-
51 dental death benefit.

52 2. Such member's statutory beneficiary, as defined under this article,
53 for purposes of accidental death benefits payable from such member's
54 retirement system under this article, may, within ninety days of such
55 member's retirement or September first, two thousand twenty, whichever
56 is later, apply to such member's retirement system to request the

1 conversion of such member's service or disability retirement benefit
2 into an accidental death benefit. For purposes of the salary base upon
3 which the accidental death benefit is calculated, such member shall be
4 deemed to have died on the date of such member's retirement. At the time
5 of such conversion, such statutory beneficiary shall relinquish all
6 rights to the prospective benefits payable under the service or disabili-
7 ty retirement statute, including any post-retirement death benefits,
8 since such member's death. If the statutory beneficiary is not the only
9 beneficiary receiving or entitled to receive a benefit under the service
10 or disability retirement statute, including, but not limited to, a post-
11 retirement death benefit or benefit paid or payable pursuant to the
12 member's option selection, the accidental death benefit payments to the
13 statutory beneficiary will be reduced by any amounts paid or payable to
14 any other statutory beneficiary.

15 d. In order to be eligible for the benefit described in this section,
16 the applicable retirement system or systems are authorized to promulgate
17 rules and regulations to administer this benefit including, but not
18 limited to, requiring a statement to be filed confirming the member
19 contracted COVID-19 and the dates and locations of the member's employ-
20 ment.

21 § 2. The retirement and social security law is amended by adding a new
22 section 361-b to read as follows:

23 § 361-b. COVID-19 benefit. a. Notwithstanding any other provision of
24 this article or of any general, special or local law to the contrary,
25 and solely for the purpose of determining eligibility for benefits under
26 this section, where:

27 1. A member reported in person to such member's usual place of public
28 employment at the direction of such member's public employer or to any
29 alternate worksite as directed by such public employer, on or after
30 March first, two thousand twenty, provided that such alternate worksite
31 was not such member's home or residence;

32 2. Such member contracted COVID-19 within forty-five days after
33 reporting to work as described in paragraph one of this subdivision as
34 confirmed by a positive laboratory test or as diagnosed before or after
35 such member's death by a licensed, certified, registered or authorized
36 physician, nurse practitioner, or physician's assistant currently in
37 good standing in any state or the District of Columbia, or a physician,
38 nurse practitioner, or physician's assistant authorized to practice in
39 New York by executive order during the declared COVID-19 state of emer-
40 gency; and

41 3. Such member died on or before December thirty-first, two thousand
42 twenty, and COVID-19 caused or contributed to such member's death, as
43 documented on such member's death certificate, or as certified by a
44 physician, nurse practitioner, or physician's assistant described in
45 paragraph two of this subdivision who determines with a reasonable
46 degree of medical certainty that COVID-19 caused or contributed to the
47 member's death, such member's statutory beneficiary shall receive an
48 accidental death benefit, unless such statutory beneficiary elects to
49 receive an ordinary death benefit.

50 b. Any amount payable as a result of this section shall be reduced by
51 any amount paid by such member's retirement system to any recipient of
52 ordinary death benefits under this article.

53 c. 1. Notwithstanding any provision of this article or of any general,
54 special or local law to the contrary, and solely for the purpose of
55 determining eligibility for benefits under this section, where a member:

1 (i) retired from his or her retirement system on or after March first,
2 two thousand twenty, and before July first, two thousand twenty;

3 (ii) on or after March first, two thousand twenty, reported in person
4 to such member's usual place of public employment at the direction of
5 such member's public employer or to any alternate worksite as directed
6 by such public employer, provided that such alternate worksite was not
7 such member's home or residence;

8 (iii) contracted COVID-19 within forty-five days after any such date
9 of reporting to work in person, as confirmed by a positive laboratory
10 test or as diagnosed before or after such member's death by a licensed,
11 certified, registered or authorized physician, nurse practitioner, or
12 physician's assistant currently in good standing in any state or the
13 District of Columbia, or a physician, nurse practitioner, or physician's
14 assistant authorized to practice in New York by executive order during
15 the declared COVID-19 state of emergency; and

16 (iv) such member died on or before December thirty-first, two thousand
17 twenty, and COVID-19 caused or contributed to such member's death, as
18 documented on such member's death certificate, or as certified by a
19 physician, nurse practitioner, or physician's assistant described in
20 subparagraph (iii) of this paragraph who determines with a reasonable
21 degree of medical certainty that COVID-19 caused or contributed to the
22 member's death, such member's statutory beneficiary shall receive an
23 accidental death benefit if such statutory beneficiary elects conversion
24 of the member's service or disability retirement benefit into an acci-
25 dental death benefit.

26 2. Such member's statutory beneficiary, as defined under this article,
27 for purposes of accidental death benefits payable from such member's
28 retirement system under this article, may, within ninety days of such
29 member's retirement or September first, two thousand twenty, whichever
30 is later, apply to such member's retirement system to request the
31 conversion of such member's service or disability retirement benefit
32 into an accidental death benefit. For purposes of the salary base upon
33 which the accidental death benefit is calculated, such member shall be
34 deemed to have died on the date of such member's retirement. At the time
35 of such conversion, such statutory beneficiary shall relinquish all
36 rights to the prospective benefits payable under the service or disabili-
37 ty retirement statute, including any post-retirement death benefits,
38 since such member's death. If the statutory beneficiary is not the only
39 beneficiary receiving or entitled to receive a benefit under the service
40 or disability retirement statute, including, but not limited to, a post-
41 retirement death benefit or benefit paid or payable pursuant to the
42 member's option selection, the accidental death benefit payments to the
43 statutory beneficiary will be reduced by any amounts paid or payable to
44 any other statutory beneficiary.

45 d. In order to be eligible for the benefit described in this section,
46 the applicable retirement system or systems are authorized to promulgate
47 rules and regulations to administer this benefit including, but not
48 limited to, requiring a statement to be filed confirming the member
49 contracted COVID-19 and the dates and locations of the member's employ-
50 ment.

51 § 3. The retirement and social security law is amended by adding a new
52 section 509-a to read as follows:

53 § 509-a. COVID-19 benefit. a. Notwithstanding any other provision of
54 this article or of any general, special or local law to the contrary,
55 and solely for the purpose of determining eligibility for benefits under
56 this section, where:

1 1. A member reported in person to such member's usual place of public
2 employment at the direction of such member's public employer or to any
3 alternate worksite as directed by such public employer, on or after
4 March first, two thousand twenty, provided that such alternate worksite
5 was not such member's home or residence;

6 2. Such member contracted COVID-19 within forty-five days after
7 reporting to work as described in paragraph one of this subdivision as
8 confirmed by a positive laboratory test or as diagnosed before or after
9 such member's death by a licensed, certified, registered or authorized
10 physician, nurse practitioner, or physician's assistant currently in
11 good standing in any state or the District of Columbia, or a physician,
12 nurse practitioner, or physician's assistant authorized to practice in
13 New York by executive order during the declared COVID-19 state of emer-
14 gency; and

15 3. Such member died on or before December thirty-first, two thousand
16 twenty, and COVID-19 caused or contributed to such member's death, as
17 documented on such member's death certificate, or as certified by a
18 physician, nurse practitioner, or physician's assistant described in
19 paragraph two of this subdivision who determines with a reasonable
20 degree of medical certainty that COVID-19 caused or contributed to the
21 member's death, such member's statutory beneficiary shall receive an
22 accidental death benefit, unless such statutory beneficiary elects to
23 receive an ordinary death benefit.

24 b. Any amount payable as a result of this section shall be reduced by
25 any amount paid by such member's retirement system to any recipient of
26 ordinary death benefits under this article.

27 c. 1. Notwithstanding any provision of this article or of any general,
28 special or local law to the contrary, and solely for the purpose of
29 determining eligibility for benefits under this section, where a member:

30 (i) retired from his or her retirement system on or after March first,
31 two thousand twenty, and before July first, two thousand twenty;

32 (ii) on or after March first, two thousand twenty, reported in person
33 to such member's usual place of public employment at the direction of
34 such member's public employer or to any alternate worksite as directed
35 by such public employer, provided that such alternate worksite was not
36 such member's home or residence;

37 (iii) contracted COVID-19 within forty-five days after any such date
38 of reporting to work in person, as confirmed by a positive laboratory
39 test or as diagnosed before or after such member's death by a licensed,
40 certified, registered or authorized physician, nurse practitioner, or
41 physician's assistant currently in good standing in any state or the
42 District of Columbia, or a physician, nurse practitioner, or physician's
43 assistant authorized to practice in New York by executive order during
44 the declared COVID-19 state of emergency; and

45 (iv) such member died on or before December thirty-first, two thousand
46 twenty, and COVID-19 caused or contributed to such member's death, as
47 documented on such member's death certificate, or as certified by a
48 physician, nurse practitioner, or physician's assistant described in
49 subparagraph (iii) of this paragraph who determines with a reasonable
50 degree of medical certainty that COVID-19 caused or contributed to the
51 member's death, such member's statutory beneficiary shall receive an
52 accidental death benefit if such statutory beneficiary elects conversion
53 of the member's service or disability retirement benefit into an acci-
54 dental death benefit.

55 2. Such member's statutory beneficiary, as defined under this article,
56 for purposes of accidental death benefits payable from such member's

1 retirement system under this article, may, within ninety days of such
2 member's retirement or September first, two thousand twenty, whichever
3 is later, apply to such member's retirement system to request the
4 conversion of such member's service or disability retirement benefit
5 into an accidental death benefit. For purposes of the salary base upon
6 which the accidental death benefit is calculated, such member shall be
7 deemed to have died on the date of such member's retirement. At the time
8 of such conversion, such statutory beneficiary shall relinquish all
9 rights to the prospective benefits payable under the service or disabili-
10 ty retirement statute, including any post-retirement death benefits,
11 since such member's death. If the statutory beneficiary is not the only
12 beneficiary receiving or entitled to receive a benefit under the service
13 or disability retirement statute, including, but not limited to, a post-
14 retirement death benefit or benefit paid or payable pursuant to the
15 member's option selection, the accidental death benefit payments to the
16 statutory beneficiary will be reduced by any amounts paid or payable to
17 any other statutory beneficiary.

18 d. In order to be eligible for the benefit described in this section,
19 the applicable retirement system or systems are authorized to promulgate
20 rules and regulations to administer this benefit including, but not
21 limited to, requiring a statement to be filed confirming the member
22 contracted COVID-19 and the dates and locations of the member's employ-
23 ment.

24 § 4. The retirement and social security law is amended by adding a new
25 section 607-i to read as follows:

26 § 607-i. COVID-19 benefit. a. Notwithstanding any other provision of
27 this article or of any general, special or local law to the contrary,
28 and solely for the purpose of determining eligibility for benefits under
29 this section, where:

30 1. A member reported in person to such member's usual place of public
31 employment at the direction of such member's public employer or to any
32 alternate worksite as directed by such public employer, on or after
33 March first, two thousand twenty, provided that such alternate worksite
34 was not such member's home or residence;

35 2. Such member contracted COVID-19 within forty-five days after
36 reporting to work as described in paragraph one of this subdivision as
37 confirmed by a positive laboratory test or as diagnosed before or after
38 such member's death by a licensed, certified, registered or authorized
39 physician, nurse practitioner, or physician's assistant currently in
40 good standing in any state or the District of Columbia, or a physician,
41 nurse practitioner, or physician's assistant authorized to practice in
42 New York by executive order during the declared COVID-19 state of emer-
43 gency; and

44 3. Such member died on or before December thirty-first, two thousand
45 twenty, and COVID-19 caused or contributed to such member's death, as
46 documented on such member's death certificate, or as certified by a
47 physician, nurse practitioner, or physician's assistant described in
48 paragraph two of this subdivision who determines with a reasonable
49 degree of medical certainty that COVID-19 caused or contributed to the
50 member's death, such member's statutory beneficiary shall receive an
51 accidental death benefit, unless such statutory beneficiary elects to
52 receive an ordinary death benefit.

53 b. Any amount payable as a result of this section shall be reduced by
54 any amount paid by such member's retirement system to any recipient of
55 ordinary death benefits under this article.

1 c. 1. Notwithstanding any provision of this article or of any general,
2 special or local law to the contrary, and solely for the purpose of
3 determining eligibility for benefits under this section, where a member:

4 (i) retired from his or her retirement system on or after March first,
5 two thousand twenty, and before July first, two thousand twenty;

6 (ii) on or after March first, two thousand twenty, reported in person
7 to such member's usual place of public employment at the direction of
8 such member's public employer or to any alternate worksite as directed
9 by such public employer, provided that such alternate worksite was not
10 such member's home or residence;

11 (iii) contracted COVID-19 within forty-five days after any such date
12 of reporting to work in person, as confirmed by a positive laboratory
13 test or as diagnosed before or after such member's death by a licensed,
14 certified, registered or authorized physician, nurse practitioner, or
15 physician's assistant currently in good standing in any state or the
16 District of Columbia, or a physician, nurse practitioner, or physician's
17 assistant authorized to practice in New York by executive order during
18 the declared COVID-19 state of emergency; and

19 (iv) such member died on or before December thirty-first, two thousand
20 twenty, and COVID-19 caused or contributed to such member's death, as
21 documented on such member's death certificate, or as certified by a
22 physician, nurse practitioner, or physician's assistant described in
23 subparagraph (iii) of this paragraph who determines with a reasonable
24 degree of medical certainty that COVID-19 caused or contributed to the
25 member's death, such member's statutory beneficiary shall receive an
26 accidental death benefit if such statutory beneficiary elects conversion
27 of the member's service or disability retirement benefit into an acci-
28 idental death benefit.

29 2. Such member's statutory beneficiary, as defined under this article,
30 for purposes of accidental death benefits payable from such member's
31 retirement system under this article, may, within ninety days of such
32 member's retirement or September first, two thousand twenty, whichever
33 is later, apply to such member's retirement system to request the
34 conversion of such member's service or disability retirement benefit
35 into an accidental death benefit. For purposes of the salary base upon
36 which the accidental death benefit is calculated, such member shall be
37 deemed to have died on the date of such member's retirement. At the time
38 of such conversion, such statutory beneficiary shall relinquish all
39 rights to the prospective benefits payable under the service or disabili-
40 ty retirement statute, including any post-retirement death benefits,
41 since such member's death. If the statutory beneficiary is not the only
42 beneficiary receiving or entitled to receive a benefit under the service
43 or disability retirement statute, including, but not limited to, a post-
44 retirement death benefit or benefit paid or payable pursuant to the
45 member's option selection, the accidental death benefit payments to the
46 statutory beneficiary will be reduced by any amounts paid or payable to
47 any other statutory beneficiary.

48 d. In order to be eligible for the benefit described in this section,
49 the applicable retirement system or systems are authorized to promulgate
50 rules and regulations to administer this benefit including, but not
51 limited to, requiring a statement to be filed confirming the member
52 contracted COVID-19 and the dates and locations of the member's employ-
53 ment.

54 § 5. Section 512 of the education law is amended by adding a new
55 subdivision h to read as follows:

1 h. 1. Notwithstanding any other provision of this article or of any
2 general, special or local law to the contrary, and solely for the
3 purpose of determining eligibility for benefits under this section,
4 where:

5 (A) a member reported in person to such member's usual place of public
6 employment at the direction of such member's public employer or to any
7 alternate worksite as directed by such public employer, on or after
8 March first, two thousand twenty, provided that such alternate worksite
9 was not such member's home or residence;

10 (B) such member contracted COVID-19 within forty-five days after
11 reporting to work as described in subparagraph (A) of this paragraph as
12 confirmed by a positive laboratory test or as diagnosed before or after
13 such member's death by a licensed, certified, registered or authorized
14 physician, nurse practitioner, or physician's assistant currently in
15 good standing in any state or the District of Columbia, or a physician,
16 nurse practitioner, or physician's assistant authorized to practice in
17 New York by executive order during the declared COVID-19 state of emer-
18 gency; and

19 (C) such member died on or before December thirty-first, two thousand
20 twenty, and COVID-19 caused or contributed to such member's death, as
21 documented on such member's death certificate, or as certified by a
22 physician, nurse practitioner, or physician's assistant described in
23 subparagraph (B) of this paragraph who determines with a reasonable
24 degree of medical certainty that COVID-19 caused or contributed to the
25 member's death, such member's statutory beneficiary shall receive an
26 accidental death benefit, unless such statutory beneficiary elects to
27 receive an ordinary death benefit.

28 2. Any amount payable as a result of this section shall be reduced by
29 any amount paid by such member's retirement system to any recipient of
30 ordinary death benefits under this article.

31 3. (A) Notwithstanding any provision of this article or of any gener-
32 al, special or local law to the contrary, and solely for the purpose of
33 determining eligibility for benefits under this section, where a member:

34 (i) retired from his or her retirement system on or after March first,
35 two thousand twenty, and before July first, two thousand twenty;

36 (ii) on or after March first, two thousand twenty, reported in person
37 to such member's usual place of public employment at the direction of
38 such member's public employer or to any alternate worksite as directed
39 by such public employer, provided that such alternate worksite was not
40 such member's home or residence;

41 (iii) contracted COVID-19 within forty-five days after any such date
42 of reporting to work in person, as confirmed by a positive laboratory
43 test or as diagnosed before or after such member's death by a licensed,
44 certified, registered or authorized physician, nurse practitioner, or
45 physician's assistant currently in good standing in any state or the
46 District of Columbia, or a physician, nurse practitioner, or physician's
47 assistant authorized to practice in New York by executive order during
48 the declared COVID-19 state of emergency; and

49 (iv) such member died on or before December thirty-first, two thousand
50 twenty, and COVID-19 caused or contributed to such member's death, as
51 documented on such member's death certificate, or as certified by a
52 physician, nurse practitioner, or physician's assistant described in
53 clause (iii) of this subparagraph who determines with a reasonable
54 degree of medical certainty that COVID-19 caused or contributed to the
55 member's death, such member's statutory beneficiary shall receive an
56 accidental death benefit if such statutory beneficiary elects conversion

1 of the member's service or disability retirement benefit into an acci-
2 idental death benefit.

3 (B) Such member's statutory beneficiary, as defined under this arti-
4 cle, for purposes of accidental death benefits payable from such
5 member's retirement system under this article, may, within ninety days
6 of such member's retirement or September first, two thousand twenty,
7 whichever is later, apply to such member's retirement system to request
8 the conversion of such member's service or disability retirement benefit
9 into an accidental death benefit. For purposes of the salary base upon
10 which the accidental death benefit is calculated, such member shall be
11 deemed to have died on the date of such member's retirement. At the time
12 of such conversion, such statutory beneficiary shall relinquish all
13 rights to the prospective benefits payable under the service or disabili-
14 ty retirement statute, including any post-retirement death benefits,
15 since such member's death. If the statutory beneficiary is not the only
16 beneficiary receiving or entitled to receive a benefit under the service
17 or disability retirement statute, including, but not limited to, a post-
18 retirement death benefit or benefit paid or payable pursuant to the
19 member's option selection, the accidental death benefit payments to the
20 statutory beneficiary will be reduced by any amounts paid or payable to
21 any other statutory beneficiary.

22 4. In order to be eligible for the benefit described in this subdivi-
23 sion, the applicable retirement system or systems are authorized to
24 promulgate rules and regulations to administer this benefit including,
25 but not limited to, requiring a statement to be filed confirming the
26 member contracted COVID-19 and the dates and locations of the member's
27 employment.

28 § 6. Section 2575 of the education law is amended by adding a new
29 subdivision 26 to read as follows:

30 26. (a) Notwithstanding any other provision of this article or of any
31 general, special or local law to the contrary, and solely for the
32 purpose of determining eligibility for benefits under this section,
33 where:

34 (i) a member reported in person to such member's usual place of public
35 employment at the direction of such member's public employer or to any
36 alternate worksite as directed by such public employer, on or after
37 March first, two thousand twenty, provided that such alternate worksite
38 was not such member's home or residence;

39 (ii) such member contracted COVID-19 within forty-five days after
40 reporting to work as described in subparagraph (i) of this paragraph as
41 confirmed by a positive laboratory test or as diagnosed before or after
42 such member's death by a licensed, certified, registered or authorized
43 physician, nurse practitioner, or physician's assistant currently in
44 good standing in any state or the District of Columbia, or a physician,
45 nurse practitioner, or physician's assistant authorized to practice in
46 New York by executive order during the declared COVID-19 state of emer-
47 gency; and

48 (iii) such member died on or before December thirty-first, two thou-
49 sand twenty, and COVID-19 caused or contributed to such member's death,
50 as documented on such member's death certificate, or as certified by a
51 physician, nurse practitioner, or physician's assistant described in
52 subparagraph (ii) of this paragraph who determines with a reasonable
53 degree of medical certainty that COVID-19 caused or contributed to the
54 member's death, such member's statutory beneficiary shall receive an
55 accidental death benefit, unless such statutory beneficiary elects to
56 receive an ordinary death benefit.

1 (b) Any amount payable as a result of this subdivision shall be
2 reduced by any amount paid by such member's retirement system to any
3 recipient of ordinary death benefits under this article.

4 (c) (i) Notwithstanding any provision of this article or of any gener-
5 al, special or local law to the contrary, and solely for the purpose of
6 determining eligibility for benefits under this section, where a member:

7 (1) retired from his or her retirement system on or after March first,
8 two thousand twenty, and before July first, two thousand twenty;

9 (2) on or after March first, two thousand twenty, reported in person
10 to such member's usual place of public employment at the direction of
11 such member's public employer or to any alternate worksite as directed
12 by such public employer, provided that such alternate worksite was not
13 such member's home or residence;

14 (3) contracted COVID-19 within forty-five days after any such date of
15 reporting to work in person, as confirmed by a positive laboratory test
16 or as diagnosed before or after such member's death by a licensed,
17 certified, registered or authorized physician, nurse practitioner, or
18 physician's assistant currently in good standing in any state or the
19 District of Columbia, or a physician, nurse practitioner, or physician's
20 assistant authorized to practice in New York by executive order during
21 the declared COVID-19 state of emergency; and

22 (4) such member died on or before December thirty-first, two thousand
23 twenty, and COVID-19 caused or contributed to such member's death, as
24 documented on such member's death certificate, or as certified by a
25 physician, nurse practitioner, or physician's assistant described in
26 clause three of this subparagraph who determines with a reasonable
27 degree of medical certainty that COVID-19 caused or contributed to the
28 member's death, such member's statutory beneficiary shall receive an
29 accidental death benefit if such statutory beneficiary elects conversion
30 of the member's service or disability retirement benefit into an acci-
31 dental death benefit.

32 (ii) Such member's statutory beneficiary, as defined under this
33 section, for purposes of accidental death benefits payable from such
34 member's retirement system under this section, may, within ninety days
35 of such member's retirement or September first, two thousand twenty,
36 whichever is later, apply to such member's retirement system to request
37 the conversion of such member's service or disability retirement benefit
38 into an accidental death benefit. For purposes of the salary base upon
39 which the accidental death benefit is calculated, such member shall be
40 deemed to have died on the date of such member's retirement. At the time
41 of such conversion, such statutory beneficiary shall relinquish all
42 rights to the prospective benefits payable under the service or disabili-
43 ty retirement statute, including any post-retirement death benefits,
44 since such member's death. If the statutory beneficiary is not the only
45 beneficiary receiving or entitled to receive a benefit under the service
46 or disability retirement statute, including, but not limited to, a post-
47 retirement death benefit or benefit paid or payable pursuant to the
48 member's option selection, the accidental death benefit payments to the
49 statutory beneficiary will be reduced by any amounts paid or payable to
50 any other statutory beneficiary.

51 (d) In order to be eligible for the benefit described in this subdivi-
52 sion, the applicable retirement system or systems are authorized to
53 promulgate rules and regulations to administer this benefit including,
54 but not limited to, requiring a statement to be filed confirming the
55 member contracted COVID-19 and the dates and locations of the member's
56 employment.

§ 7. Section 1266-h of the public authorities law is amended by adding a new subdivision 8 to read as follows:

8. (a) Notwithstanding any other provision of this section or of any general, special or local law to the contrary, and solely for the purpose of determining eligibility for benefits under this section, where:

(i) a member reported in person to such member's usual place of public employment at the direction of such member's public employer or to any alternate worksite as directed by such public employer, on or after March first, two thousand twenty, provided that such alternate worksite was not such member's home or residence;

(ii) such member contracted COVID-19 within forty-five days after reporting to work pursuant to subparagraph (i) of this paragraph, as confirmed by a positive laboratory test or as diagnosed before or after such member's death by a licensed, certified, registered or authorized physician, nurse practitioner, or physician's assistant currently in good standing in any state or the District of Columbia, or a physician, nurse practitioner, or physician's assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency; and

(iii) Such member died on or before December thirty-first, two thousand twenty, and COVID-19 caused or contributed to such member's death, as documented on such member's death certificate, or as certified by a physician, nurse practitioner, or physician's assistant described in subparagraph (ii) of this paragraph who determines with a reasonable degree of medical certainty that COVID-19 caused or contributed to the member's death, such member's statutory beneficiary shall receive an accidental death benefit, unless such statutory beneficiary elects to receive an ordinary death benefit.

(b) Any amount payable as a result of this section shall be reduced by any amount paid by such member's retirement system to any recipient of ordinary death benefits pursuant to this section.

(c) Notwithstanding any provision of this section or of any general, special or local law to the contrary, and solely for the purpose of determining eligibility for benefits under this section, where a member:

(1) retired from his or her retirement system on or after March first, two thousand twenty, and before July first, two thousand twenty;

(2) on or after March first, two thousand twenty, reported in person to such member's usual place of public employment at the direction of such member's public employer or to any alternate worksite as directed by such public employer, provided that such alternate worksite was not such member's home or residence;

(3) contracted COVID-19 within forty-five days after any such date of reporting to work in person, as confirmed by a positive laboratory test or as diagnosed before or after such member's death by a licensed, certified, registered or authorized physician, nurse practitioner, or physician's assistant currently in good standing in any state or the District of Columbia, or a physician, nurse practitioner, or physician's assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency; and

(4) Such member died on or before December thirty-first, two thousand twenty, and COVID-19 caused or contributed to such member's death, as documented on such member's death certificate, or as certified by a physician, nurse practitioner, or physician's assistant described in subparagraph three of this paragraph who determines with a reasonable degree of medical certainty that COVID-19 caused or contributed to the

1 member's death, such member's statutory beneficiary shall receive an
2 accidental death benefit if such statutory beneficiary elects conversion
3 of the member's service or disability retirement benefit into an acci-
4 idental death benefit.

5 (d) Such member's statutory beneficiary, as defined pursuant to this
6 section, for purposes of accidental death benefits payable from such
7 member's retirement system under this section, may, within ninety days
8 of such member's retirement or September first, two thousand twenty,
9 whichever is later, apply to such member's retirement system to request
10 the conversion of such member's service or disability retirement benefit
11 into an accidental death benefit. For purposes of the salary base upon
12 which the accidental death benefit is calculated, such member shall be
13 deemed to have died on the date of such member's retirement. At the time
14 of such conversion, such statutory beneficiary shall relinquish all
15 rights to the prospective benefits payable under the service or disabili-
16 ty retirement statute, including any post-retirement death benefits,
17 since such member's death. If the statutory beneficiary is not the only
18 beneficiary receiving or entitled to receive a benefit under the service
19 or disability retirement statute including, but not limited to, a post-
20 retirement death benefit or benefit paid or payable pursuant to the
21 member's option selection, the accidental death benefit payments to the
22 statutory beneficiary will be reduced by any amounts paid or payable to
23 any other statutory beneficiary.

24 (e) In order to be eligible for the benefit described in this subdivi-
25 sion, the applicable retirement system or systems are authorized to
26 promulgate rules and regulations to administer this benefit including,
27 but not limited to, requiring a statement to be filed confirming the
28 member contracted COVID-19 and the dates and locations of such member's
29 employment.

30 § 8. The administrative code of the city of New York is amended by
31 adding a new section 13-149.1 to read as follows:

32 § 13-149.1 COVID-19 benefit. 1. Notwithstanding any other provision
33 of this title or of any general, special or local law to the contrary,
34 and solely for the purpose of determining eligibility for benefits under
35 this section, where:

36 (a) a member reported in person to such member's usual place of public
37 employment at the direction of such member's public employer or to any
38 alternate worksite as directed by such public employer, on or after
39 March first, two thousand twenty, provided that such alternate worksite
40 was not such member's home or residence;

41 (b) such member contracted COVID-19 within forty-five days after
42 reporting to work as described in paragraph (a) of this subdivision, as
43 confirmed by a positive laboratory test or as diagnosed before or after
44 such member's death by a licensed, certified, registered or authorized
45 physician, nurse practitioner, or physician's assistant currently in
46 good standing in any state or the District of Columbia, or a physician,
47 nurse practitioner, or physician's assistant authorized to practice in
48 New York by executive order during the declared COVID-19 state of emer-
49 gency; and

50 (c) Such member died on or before December thirty-first, two thousand
51 twenty, and COVID-19 caused or contributed to such member's death, as
52 documented on such member's death certificate, or as certified by a
53 physician, nurse practitioner, or physician's assistant described in
54 paragraph (b) of this subdivision who determines with a reasonable
55 degree of medical certainty that COVID-19 caused or contributed to the
56 member's death, such member's statutory beneficiary shall receive an

1 accidental death benefit, unless such statutory beneficiary elects to
2 receive an ordinary death benefit.

3 2. Any amount payable as a result of this title shall be reduced by
4 any amount paid by such member's retirement system to any recipient of
5 ordinary death benefits under this title.

6 3. Notwithstanding any provision of this title or of any general,
7 special or local law to the contrary, and solely for the purpose of
8 determining eligibility for benefits under this section, where a member:

9 (a) retired from his or her retirement system on or after March first,
10 two thousand twenty, and before July first, two thousand twenty;

11 (b) on or after March first, two thousand twenty, reported in person
12 to such member's usual place of public employment at the direction of
13 such member's public employer or to any alternate worksite as directed
14 by such public employer, provided that such alternate worksite was not
15 such member's home or residence;

16 (c) contracted COVID-19 within forty-five days after any such date of
17 reporting to work in person, as confirmed by a positive laboratory test
18 or as diagnosed before or after such member's death by a licensed,
19 certified, registered or authorized physician, nurse practitioner, or
20 physician's assistant currently in good standing in any state or the
21 District of Columbia, or a physician, nurse practitioner, or physician's
22 assistant authorized to practice in New York by executive order during
23 the declared COVID-19 state of emergency; and

24 (d) Such member died on or before December thirty-first, two thousand
25 twenty, and COVID-19 caused or contributed to such member's death, as
26 documented on such member's death certificate, or as certified by a
27 physician, nurse practitioner, or physician's assistant described in
28 paragraph (c) of this subdivision who determines with a reasonable
29 degree of medical certainty that COVID-19 caused or contributed to the
30 member's death, such member's statutory beneficiary shall receive an
31 accidental death benefit if such statutory beneficiary elects conversion
32 of the member's service or disability retirement benefit into an acci-
33 dental death benefit.

34 4. Such member's statutory beneficiary, as defined pursuant to this
35 title, for purposes of accidental death benefits payable from such
36 member's retirement system under this title, may, within ninety days of
37 such member's retirement or September first, two thousand twenty, which-
38 ever is later, apply to such member's retirement system to request the
39 conversion of such member's service or disability retirement benefit
40 into an accidental death benefit. For purposes of the salary base upon
41 which the accidental death benefit is calculated, such member shall be
42 deemed to have died on the date of such member's retirement. At the time
43 of such conversion, such statutory beneficiary shall relinquish all
44 rights to the prospective benefits payable under the service or disabil-
45 ity retirement statute, including any post-retirement death benefits,
46 since such member's death. If the statutory beneficiary is not the only
47 beneficiary receiving or entitled to receive a benefit under the service
48 or disability retirement statute including, but not limited to, a post-
49 retirement death benefit or benefit paid or payable pursuant to the
50 member's option selection, the accidental death benefit payments to the
51 statutory beneficiary will be reduced by any amounts paid or payable to
52 any other statutory beneficiary.

53 5. In order to be eligible for the benefit described in this title,
54 the applicable retirement system or systems are authorized to promulgate
55 rules and regulations to administer this benefit including, but not
56 limited to, requiring a statement to be filed confirming the member

1 contracted COVID-19 and the dates and locations of such member's employ-
2 ment.

3 § 9. The administrative code of the city of New York is amended by
4 adding a new section 13-244.1 to read as follows:

5 § 13-244.1 COVID-19 benefit. 1. Notwithstanding any other provision
6 of this title or of any general, special or local law to the contrary,
7 and solely for the purpose of determining eligibility for benefits under
8 this section, where:

9 (a) a member reported in person to such member's usual place of public
10 employment at the direction of such member's public employer or to any
11 alternate worksite as directed by such public employer, on or after
12 March first, two thousand twenty, provided that such alternate worksite
13 was not such member's home or residence;

14 (b) such member contracted COVID-19 within forty-five days after
15 reporting to work as described in paragraph (a) of this subdivision, as
16 confirmed by a positive laboratory test or as diagnosed before or after
17 such member's death by a licensed, certified, registered or authorized
18 physician, nurse practitioner, or physician's assistant currently in
19 good standing in any state or the District of Columbia, or a physician,
20 nurse practitioner, or physician's assistant authorized to practice in
21 New York by executive order during the declared COVID-19 state of emer-
22 gency; and

23 (c) Such member died on or before December thirty-first, two thousand
24 twenty, and COVID-19 caused or contributed to such member's death, as
25 documented on such member's death certificate, or as certified by a
26 physician, nurse practitioner, or physician's assistant described in
27 paragraph (b) of this subdivision who determines with a reasonable
28 degree of medical certainty that COVID-19 caused or contributed to the
29 member's death, such member's statutory beneficiary shall receive an
30 accidental death benefit, unless such statutory beneficiary elects to
31 receive an ordinary death benefit.

32 2. Any amount payable as a result of this title shall be reduced by
33 any amount paid by such member's retirement system to any recipient of
34 ordinary death benefits under this title.

35 3. Notwithstanding any provision of this title or of any general,
36 special or local law to the contrary, and solely for the purpose of
37 determining eligibility for benefits under this section, where a member:

38 (a) retired from his or her retirement system on or after March first,
39 two thousand twenty, and before July first, two thousand twenty;

40 (b) on or after March first, two thousand twenty, reported in person
41 to such member's usual place of public employment at the direction of
42 such member's public employer or to any alternate worksite as directed
43 by such public employer, provided that such alternate worksite was not
44 such member's home or residence;

45 (c) contracted COVID-19 within forty-five days after any such date of
46 reporting to work in person, as confirmed by a positive laboratory test
47 or as diagnosed before or after such member's death by a licensed,
48 certified, registered or authorized physician, nurse practitioner, or
49 physician's assistant currently in good standing in any state or the
50 District of Columbia, or a physician, nurse practitioner, or physician's
51 assistant authorized to practice in New York by executive order during
52 the declared COVID-19 state of emergency; and

53 (d) Such member died on or before December thirty-first, two thousand
54 twenty, and COVID-19 caused or contributed to such member's death, as
55 documented on such member's death certificate, or as certified by a
56 physician, nurse practitioner, or physician's assistant described in

1 paragraph (c) of this subdivision who determines with a reasonable
2 degree of medical certainty that COVID-19 caused or contributed to the
3 member's death, such member's statutory beneficiary shall receive an
4 accidental death benefit if such statutory beneficiary elects conversion
5 of the member's service or disability retirement benefit into an acci-
6 dental death benefit.

7 4. Such member's statutory beneficiary, as defined pursuant to this
8 title, for purposes of accidental death benefits payable from such
9 member's retirement system under this title, may, within ninety days of
10 such member's retirement or September first, two thousand twenty, which-
11 ever is later, apply to such member's retirement system to request the
12 conversion of such member's service or disability retirement benefit
13 into an accidental death benefit. For purposes of the salary base upon
14 which the accidental death benefit is calculated, such member shall be
15 deemed to have died on the date of such member's retirement. At the time
16 of such conversion, such statutory beneficiary shall relinquish all
17 rights to the prospective benefits payable under the service or disabil-
18 ity retirement statute, including any post-retirement death benefits,
19 since such member's death. If the statutory beneficiary is not the only
20 beneficiary receiving or entitled to receive a benefit under the service
21 or disability retirement statute including, but not limited to, a post-
22 retirement death benefit or benefit paid or payable pursuant to the
23 member's option selection, the accidental death benefit payments to the
24 statutory beneficiary will be reduced by any amounts paid or payable to
25 any other statutory beneficiary.

26 5. In order to be eligible for the benefit described in this title,
27 the applicable retirement system or systems are authorized to promulgate
28 rules and regulations to administer this benefit including, but not
29 limited to, requiring a statement to be filed confirming the member
30 contracted COVID-19 and the dates and locations of such member's employ-
31 ment.

32 § 10. The administrative code of the city of New York is amended by
33 adding a new section 13-347.1 to read as follows:

34 § 13-347.1 COVID-19 benefit. 1. Notwithstanding any other provision of
35 this title or of any general, special or local law to the contrary, and
36 solely for the purpose of determining eligibility for benefits under
37 this section, where:

38 (a) a member reported in person to such member's usual place of public
39 employment at the direction of such member's public employer or to any
40 alternate worksite as directed by such public employer, on or after
41 March first, two thousand twenty, provided that such alternate worksite
42 was not such member's home or residence;

43 (b) such member contracted COVID-19 within forty-five days after
44 reporting to work as described in paragraph (a) of this subdivision, as
45 confirmed by a positive laboratory test or as diagnosed before or after
46 such member's death by a licensed, certified, registered or authorized
47 physician, nurse practitioner, or physician's assistant currently in
48 good standing in any state or the District of Columbia, or a physician,
49 nurse practitioner, or physician's assistant authorized to practice in
50 New York by executive order during the declared COVID-19 state of emer-
51 gency; and

52 (c) Such member died on or before December thirty-first, two thousand
53 twenty, and COVID-19 caused or contributed to such member's death, as
54 documented on such member's death certificate, or as certified by a
55 physician, nurse practitioner, or physician's assistant described in
56 paragraph (b) of this subdivision who determines with a reasonable

1 degree of medical certainty that COVID-19 caused or contributed to the
2 member's death, such member's statutory beneficiary shall receive an
3 accidental death benefit, unless such statutory beneficiary elects to
4 receive an ordinary death benefit.

5 2. Any amount payable as a result of this title shall be reduced by
6 any amount paid by such member's retirement system to any recipient of
7 ordinary death benefits under this title.

8 3. Notwithstanding any provision of this title or of any general,
9 special or local law to the contrary, and solely for the purpose of
10 determining eligibility for benefits under this section, where a member:

11 (a) retired from his or her retirement system on or after March first,
12 two thousand twenty, and before July first, two thousand twenty;

13 (b) on or after March first, two thousand twenty, reported in person
14 to such member's usual place of public employment at the direction of
15 such member's public employer or to any alternate worksite as directed
16 by such public employer, provided that such alternate worksite was not
17 such member's home or residence;

18 (c) contracted COVID-19 within forty-five days after any such date of
19 reporting to work in person, as confirmed by a positive laboratory test
20 or as diagnosed before or after such member's death by a licensed,
21 certified, registered or authorized physician, nurse practitioner, or
22 physician's assistant currently in good standing in any state or the
23 District of Columbia, or a physician, nurse practitioner, or physician's
24 assistant authorized to practice in New York by executive order during
25 the declared COVID-19 state of emergency; and

26 (d) Such member died on or before December thirty-first, two thousand
27 twenty, and COVID-19 caused or contributed to such member's death, as
28 documented on such member's death certificate, or as certified by a
29 physician, nurse practitioner, or physician's assistant described in
30 paragraph (c) of this subdivision who determines with a reasonable
31 degree of medical certainty that COVID-19 caused or contributed to the
32 member's death, such member's statutory beneficiary shall receive an
33 accidental death benefit if such statutory beneficiary elects conversion
34 of the member's service or disability retirement benefit into an acci-
35 idental death benefit.

36 4. Such member's statutory beneficiary, as defined pursuant to this
37 title, for purposes of accidental death benefits payable from such
38 member's retirement system under this title, may, within ninety days of
39 such member's retirement or September first, two thousand twenty, which-
40 ever is later, apply to such member's retirement system to request the
41 conversion of such member's service or disability retirement benefit
42 into an accidental death benefit. For purposes of the salary base upon
43 which the accidental death benefit is calculated, such member shall be
44 deemed to have died on the date of such member's retirement. At the time
45 of such conversion, such statutory beneficiary shall relinquish all
46 rights to the prospective benefits payable under the service or disabil-
47 ity retirement statute, including any post-retirement death benefits,
48 since such member's death. If the statutory beneficiary is not the only
49 beneficiary receiving or entitled to receive a benefit under the service
50 or disability retirement statute including, but not limited to, a post-
51 retirement death benefit or benefit paid or payable pursuant to the
52 member's option selection, the accidental death benefit payments to the
53 statutory beneficiary will be reduced by any amounts paid or payable to
54 any other statutory beneficiary.

55 5. In order to be eligible for the benefit described in this title,
56 the applicable retirement system or systems are authorized to promulgate

1 rules and regulations to administer this benefit including, but not
2 limited to, requiring a statement to be filed confirming the member
3 contracted COVID-19 and the dates and locations of such member's employ-
4 ment.

5 § 11. The administrative code of the city of New York is amended by
6 adding a new section 13-544.1 to read as follows:

7 § 13-544.1 COVID-19 benefit. 1. Notwithstanding any other provision
8 of this title or of any general, special or local law to the contrary,
9 and solely for the purpose of determining eligibility for benefits under
10 this section, where:

11 (a) a member reported in person to such member's usual place of public
12 employment at the direction of such member's public employer or to any
13 alternate worksite as directed by such public employer, on or after
14 March first, two thousand twenty, provided that such alternate worksite
15 was not such member's home or residence;

16 (b) such member contracted COVID-19 within forty-five days after
17 reporting to work as described in paragraph (a) of this subdivision, as
18 confirmed by a positive laboratory test or as diagnosed before or after
19 such member's death by a licensed, certified, registered or authorized
20 physician, nurse practitioner, or physician's assistant currently in
21 good standing in any state or the District of Columbia, or a physician,
22 nurse practitioner, or physician's assistant authorized to practice in
23 New York by executive order during the declared COVID-19 state of emer-
24 gency; and

25 (c) Such member died on or before December thirty-first, two thousand
26 twenty, and COVID-19 caused or contributed to such member's death, as
27 documented on such member's death certificate, or as certified by a
28 physician, nurse practitioner, or physician's assistant described in
29 paragraph (b) of this subdivision who determines with a reasonable
30 degree of medical certainty that COVID-19 caused or contributed to the
31 member's death, such member's statutory beneficiary shall receive an
32 accidental death benefit, unless such statutory beneficiary elects to
33 receive an ordinary death benefit.

34 2. Any amount payable as a result of this title shall be reduced by
35 any amount paid by such member's retirement system to any recipient of
36 ordinary death benefits under this title.

37 3. Notwithstanding any provision of this title or of any general,
38 special or local law to the contrary, and solely for the purpose of
39 determining eligibility for benefits under this section, where a member:

40 (a) retired from his or her retirement system on or after March first,
41 two thousand twenty, and before July first, two thousand twenty;

42 (b) on or after March first, two thousand twenty, reported in person
43 to such member's usual place of public employment at the direction of
44 such member's public employer or to any alternate worksite as directed
45 by such public employer, provided that such alternate worksite was not
46 such member's home or residence;

47 (c) contracted COVID-19 within forty-five days after any such date of
48 reporting to work in person, as confirmed by a positive laboratory test
49 or as diagnosed before or after such member's death by a licensed,
50 certified, registered or authorized physician, nurse practitioner, or
51 physician's assistant currently in good standing in any state or the
52 District of Columbia, or a physician, nurse practitioner, or physician's
53 assistant authorized to practice in New York by executive order during
54 the declared COVID-19 state of emergency; and

55 (d) Such member died on or before December thirty-first, two thousand
56 twenty, and COVID-19 caused or contributed to such member's death, as

1 documented on such member's death certificate, or as certified by a
2 physician, nurse practitioner, or physician's assistant described in
3 paragraph (c) of this subdivision who determines with a reasonable
4 degree of medical certainty that COVID-19 caused or contributed to the
5 member's death, such member's statutory beneficiary shall receive an
6 accidental death benefit if such statutory beneficiary elects conversion
7 of the member's service or disability retirement benefit into an acci-
8 dental death benefit.

9 4. Such member's statutory beneficiary, as defined pursuant to this
10 title, for purposes of accidental death benefits payable from such
11 member's retirement system under this title, may, within ninety days of
12 such member's retirement or September first, two thousand twenty, which-
13 ever is later, apply to such member's retirement system to request the
14 conversion of such member's service or disability retirement benefit
15 into an accidental death benefit. For purposes of the salary base upon
16 which the accidental death benefit is calculated, such member shall be
17 deemed to have died on the date of such member's retirement. At the time
18 of such conversion, such statutory beneficiary shall relinquish all
19 rights to the prospective benefits payable under the service or disabili-
20 ty retirement statute, including any post-retirement death benefits,
21 since such member's death. If the statutory beneficiary is not the only
22 beneficiary receiving or entitled to receive a benefit under the service
23 or disability retirement statute including, but not limited to, a post-
24 retirement death benefit or benefit paid or payable pursuant to the
25 member's option selection, the accidental death benefit payments to the
26 statutory beneficiary will be reduced by any amounts paid or payable to
27 any other statutory beneficiary.

28 5. In order to be eligible for the benefit described in this title,
29 the applicable retirement system or systems are authorized to promulgate
30 rules and regulations to administer this benefit including, but not
31 limited to, requiring a statement to be filed confirming the member
32 contracted COVID-19 and the dates and locations of such member's employ-
33 ment.

34 § 12. The heads and boards of the retirement systems described herein
35 are hereby authorized to promulgate rules and regulations to implement
36 the provisions of this act, including guidance on what shall constitute
37 a positive diagnosis of COVID-19 from a physician, nurse practitioner,
38 or physician's assistant in the absence of a laboratory test.

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

42 § 14. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after March 1, 2020; provided
44 that the provisions of this act shall expire and be deemed repealed on
45 December 31, 2020.

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

This bill would amend sections of the Education Law and the Retirement and Social Security Law to provide an enhanced death benefit to the beneficiary of an eligible member of the New York State Teachers' Retirement System (NYSTRS) who died due to contracting COVID-19. A member must have reported to work on or after March 1, 2020, and contracted COVID-19 within 45 days of reporting to work, and then died on or before December 31, 2020 either due to COVID-19, or had COVID-19 as a contributing factor in the member's death. The member's statutory beneficiary can elect to receive either the accidental death benefit, consisting of a lifetime annuity of 50% of the member's most recent

year's salary, or the ordinary death benefit, generally consisting of a lump sum equal to three times the member's salary. If any ordinary death benefit has already been paid it will be used as an offset against the accidental death benefit. If a member retired on or after March 1, 2020 but before July 1, 2020, reported to work at the direction of such member's employer, contracted COVID-19 within 45 days of reporting to work, and then died on or before December 31, 2020 either due to COVID-19, or had COVID-19 as a contributing factor in the member's death, the member's statutory beneficiary may, within 90 days of such member's retirement, or September 1, 2020, whichever is later, elect to convert the retirement benefit into an accidental death benefit. Any other benefit paid will be used as an offset against the accidental death benefit.

This act shall be deemed to have been in full force and effect as of March 1, 2020, but shall expire and be deemed repealed as of December 31, 2020.

Under current law, the beneficiary of an active member who dies in service with three or more years of service is generally eligible for a benefit equal to three times the member's most recent year's salary. Currently, the beneficiary of a retiree who dies within the first year of retirement is generally eligible for a benefit equal to one and one-half times the retiree's last year of salary, and possibly, depending upon the retiree's benefit option elected at retirement, a continuation of all or a portion of the retiree's monthly benefit.

The overall cost of this bill cannot be readily determined as the ultimate number of COVID-19 deaths cannot be determined at this time. It is estimated that it will provide on average an additional 3 to 4 times salary. The average cost per individual member impacted, however, in terms of additional present value of liability, is estimated as follows:

Member age 30: \$210,000

Member age 40: \$300,000

Member age 50: \$310,000

Eligible retirees: Anticipated overall negligible cost, given that NYSTRS expects to receive no more than a handful of cases.

The actual cost per member would be dependent on the member and beneficiary's age, tier, years of service, and salary, and for retirees the optional form of payment elected at retirement. The costs above are determined based on averages, so the actual cost for a member could be higher or lower. The cost for an eligible retiree could vary greatly depending upon the option chosen at retirement.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2020-30 dated May 28, 2020 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2020 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

This bill would allow a beneficiary of any member of a public retirement system to be paid an accidental death benefit, as if the member died in the performance and discharge of duty, provided that the member

- a. physically reported for work on or after March 1, 2020, and
- b. contracted COVID-19 within 45 days from such a work date, and
- c. died from such disease on or before December 31, 2020.

A positive test result, death certificate citing COVID-19, or certification by certain medical personnel is sufficient to establish contraction and death from COVID-19.

The accidental death benefit would be based on the member's plan coverage. This bill also would create benefits payable under the Public Authorities Law.

Insofar as this bill will affect the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS), qualifying COVID-19 deaths which currently are considered ordinary deaths will be treated as accidental deaths.

The cost of the proposed benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable.

| | | |
|------------------------------|------------------|------------------|
| Service Retirement Eligible: | Yes | No |
| PFRS benefit increase/cost: | 8 times salary | 13 times salary |
| ERS benefit increase/cost: | 3.5 times salary | 3.5 times salary |

The number of members who could be affected by this legislation cannot be readily determined. However, all of ERS and PFRS members will be covered and eligible for these benefits, including new hires through the expiration of the coverage provided under this legislation. All costs incurred in the PFRS will be shared by the State of New York and all the participating employers in the PFRS. All costs incurred in the ERS will be shared by the State of New York and all the participating employers in the ERS.

In addition to these per person costs, there would be annual increases in administrative and legal costs to implement the provisions of this legislation.

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, 2019 actuarial valuation. Distributions and other statistics can be found in the 2019 Report of the Actuary and the 2019 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, 2018, and 2019 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, 2019 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 28, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-121, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY OF BILL: This proposed legislation (see Appendix), as it relates to the New York City Pension Funds and Retirement Systems (NYCRS), would add new Sections to the Retirement and Social Security Law (RSSL), the Administrative Code of the City of New York (ACCNYS), and the Education Law to provide Accidental Death Benefits, less other statutory benefits paid or payable, to beneficiaries of certain members and retirees of NYCRS who physically reported to non-home work sites on and after March 1, 2020 and died on or before December 31, 2020 due to Coronavirus Disease 2019 (COVID-19) that was contracted within 45 days of such reporting to work.

Beneficiaries of deceased members, including beneficiaries of those who retired between March 1, 2020 and July 1, 2020, who meet the enumerated qualifications would be eligible for an Accidental Death Benefit, less any other statutory benefits paid or payable.

In determining whether Accidental Death Benefits should be awarded, a deceased member or retiree must have a positive lab test for COVID-19 within 45 days of reporting to such work assignment, or have been diagnosed with such condition, within the same period, from a qualified medical provider, either before or after the member's or retiree's death. The beneficiary of such deceased member or retiree would also have to show that that COVID-19 was the cause or contributing factor in the member's or retiree's death, as documented by a death certificate or by a qualified health care provider.

Effective Date: Upon enactment, and retroactive to March 1, 2020, except that the provisions would expire upon the later of December 31, 2020 and the date of the expiration of the state disaster emergency declared by the Governor in executive order number 202.

IMPACT ON BENEFITS PAYABLE: Under the proposed legislation, the benefits payable to beneficiaries of active members of NYCRS who die due to COVID-19 would be revised from a lump sum Ordinary Death Benefit generally equal to three times a member's last salary to a lifetime Accidental Death Benefit equal to 50% of Final Average Salary plus, if applicable, the Special Accidental Death Benefit payable under General Municipal Law section 208-f. Accidental Death Benefits, less any other benefits paid or payable, are also payable to beneficiaries of those who retired between March 1, 2020 and July 1, 2020 and died due to COVID-19. Costs for these retirees, due to the limited scope and unknown optional payments, are not included in this Fiscal Note.

FINANCIAL IMPACT - OVERVIEW: There is no data available to estimate the number of members who might die due to COVID-19 and potentially benefit from this proposed legislation. Therefore, the estimated financial impact has been calculated on a per event basis equal to the increase in the Present Value of Future Benefits (PVFB) for an average member who dies from COVID-19 and would benefit from the proposed legislation.

With respect to an individual member, the additional cost of this proposed legislation could vary greatly depending on the member's length of service, age, and salary history.

FINANCIAL IMPACT - PRESENT VALUES: Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would result in an increase in PVFB. A breakdown of the PVFB by NYCRS on average for each occurrence of death is shown in the table below.

Estimated Additional Present Value of Future Benefits due to COVID-19
Death

| | NYCERS | TRS | BERS |
|----------------|----------------|----------------|----------------|
| Age < 40 | \$ 543,300 | \$ 326,200 | \$ 256,000 |
| 40 <= Age < 60 | 398,700 | 297,500 | 172,100 |
| Age >= 60 | <u>210,200</u> | <u>188,800</u> | <u>105,900</u> |
| All Ages | \$ 406,700 | \$ 296,700 | \$ 174,800 |

| | POLICE | FIRE | All Systems |
|----------------|------------------|------------------|----------------|
| Age < 40 | \$ 1,926,300 | \$ 1,816,100 | \$ 731,600 |
| 40 <= Age < 60 | 2,226,300 | 2,302,700 | 534,000 |
| Age >= 60 | <u>1,695,600</u> | <u>1,633,600</u> | <u>204,400</u> |
| All Ages | \$ 2,042,700 | \$ 2,055,400 | \$ 557,200 |

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: Enactment of this proposed legislation would increase employer contributions, where such amount would depend on the number of members affected as well as other characteristics including the age, years of service, and salary history of the member. As there is no data currently available to estimate the number of members who might die from COVID-19, the financial impact would be recognized at the time of event. Consequently, changes in employer contributions have been estimated assuming that the increase in the PVFB will be financed over the same time period used for actuarial losses in accordance with Section 13-638.2(k-2) of the ACCNY. Using this approach, the additional PVFB would be amortized over a closed 15-year period (14 payments under the One-Year Lag Methodology) using level dollar payments.

Based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2019, the enactment of this proposed legislation is estimated to increase annual employer contributions on average for each death benefit due to COVID-19 as shown in the table below.

Estimated Additional Annual Employer Contributions due to COVID-19
Death

| | NYCERS | TRS | BERS |
|----------------|---------------|---------------|---------------|
| Age < 40 | \$ 64,300 | \$ 38,600 | \$ 30,300 |
| 40 <= Age < 60 | 47,200 | 35,200 | 20,400 |
| Age >= 60 | <u>24,900</u> | <u>22,300</u> | <u>12,500</u> |
| All Ages | \$ 48,100 | \$ 35,100 | \$ 20,300 |

| | POLICE | FIRE | All Systems |
|----------------|----------------|----------------|---------------|
| Age < 40 | \$ 227,800 | \$ 214,800 | \$ 86,500 |
| 40 <= Age < 60 | 263,300 | 272,400 | 63,200 |
| Age >= 60 | <u>200,600</u> | <u>193,200</u> | <u>24,200</u> |
| All Ages | \$ 241,600 | \$ 243,100 | \$ 65,900 |

With respect to the timing, increases in employer contributions would depend upon when members die due to COVID-19 but, generally, increased employer contributions will first occur the second fiscal year following approval of the performance of duty death benefit.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2019 (Lag) actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2021 employer contributions.

| Counts | NYCERS | TRS | BERS |
|----------------|---------------|---------------|--------------|
| Age < 40 | 52,782 | 48,861 | 4,810 |
| 40 <= Age < 60 | 106,335 | 60,632 | 14,809 |
| Age >= 60 | <u>32,384</u> | <u>13,843</u> | <u>6,206</u> |
| All Ages | 191,501 | 123,336 | 25,825 |

| | | | |
|-----------------|----------------|----------------|---------------|
| Counts | POLICE | FIRE | All Systems |
| Age < 40 | 21,945 | 5,369 | 133,767 |
| 40 <= Age < 60 | 14,267 | 5,623 | 201,666 |
| Age >= 60 | <u>189</u> | <u>252</u> | <u>52,874</u> |
| All Ages | 36,401 | 11,244 | 388,307 |
| Average Age | NYCERS | TRS | BERS |
| Age < 40 | 33.0 | 32.5 | 33.3 |
| 40 <= Age < 60 | 50.1 | 48.7 | 50.7 |
| Age >= 60 | <u>64.1</u> | <u>64.3</u> | <u>64.5</u> |
| All Ages | 47.7 | 44.1 | 50.8 |
| Average Age | POLICE | FIRE | All Systems |
| Age < 40 | 32.1 | 32.7 | 32.7 |
| 40 <= Age < 60 | 46.1 | 47.0 | 49.3 |
| Age >= 60 | <u>61.9</u> | <u>61.9</u> | <u>64.2</u> |
| All Ages | 37.7 | 40.5 | 45.6 |
| Average Service | NYCERS | TRS | BERS |
| Age < 40 | 4.7 | 5.8 | 3.5 |
| 40 <= Age < 60 | 13.6 | 14.9 | 9.1 |
| Age >= 60 | <u>19.7</u> | <u>19.8</u> | <u>14.0</u> |
| All Ages | 12.2 | 11.8 | 9.2 |
| Average Service | POLICE | FIRE | All Systems |
| Age < 40 | 7.0 | 6.6 | 5.5 |
| 40 <= Age < 60 | 18.7 | 19.7 | 14.2 |
| Age >= 60 | <u>31.7</u> | <u>34.9</u> | <u>19.2</u> |
| All Ages | 11.7 | 13.8 | 11.9 |
| Average Salary | NYCERS | TRS | BERS |
| Age < 40 | \$ 68,800 | \$ 78,800 | \$ 58,700 |
| 40 <= Age < 60 | 81,800 | 95,900 | 52,700 |
| Age >= 60 | <u>81,900</u> | <u>89,700</u> | <u>46,700</u> |
| All Ages | \$ 78,200 | \$ 88,400 | \$ 52,400 |
| Average Salary | POLICE | FIRE | All Systems |
| Age < 40 | \$ 101,800 | \$ 93,600 | \$ 78,500 |
| 40 <= Age < 60 | 138,800 | 141,300 | 89,600 |
| Age >= 60 | <u>163,300</u> | <u>158,200</u> | <u>80,500</u> |
| All Ages | \$ 116,600 | \$ 118,900 | \$ 84,500 |

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2020-45 dated May 28, 2020 was prepared by the Chief Actuary for the five New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2020 Legislative Session.