

STATE OF NEW YORK

7896

IN SENATE

February 28, 2020

Introduced by Sen. MARTINEZ -- 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 providing accidental disability retirement benefits for deputy sheriffs in Suffolk county

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 605-f to read as follows:

3 § 605-f. Accidental disability retirement for deputy sheriffs in
4 Suffolk county. a. A member employed as a deputy sheriff in Suffolk
5 county shall be entitled to an accidental disability retirement allow-
6 ance if, at the time application thereof is filed, such member is:

7 1. Physically or mentally incapacitated for performance of duty as the
8 natural and proximate result of an accident, unless the contrary be
9 proved by competent evidence, not caused by his or her own willful
10 negligence, sustained in such service and while actually a member of the
11 retirement system; and

12 2. Actually in service upon which his or her membership is based.
13 However, in a case where a member is discontinued from service subse-
14 quent to the accident, either voluntarily or involuntarily, and provided
15 that the member meets the requirements of paragraph one of this subdivi-
16 sion, application may be made not later than two years after the member
17 is first discontinued from service.

18 b. Application for an accidental disability retirement allowance for
19 such a member may be made by:

20 1. Such member; or

21 2. The head of the department in which member is employed; or

22 3. Any person acting on behalf of and authorized by such member.

23 c. 1. After the filing of such an application, such member shall be
24 given one or more medical examinations. No such application shall be
25 approved, however, unless the member or some other person on his or her
26 behalf shall have filed written notice in the office of the comptroller
27 within ninety days after the accident, setting forth:

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

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- 1 (a) The time when and the place where such accident occurred; and
2 (b) The particulars thereof; and
3 (c) The nature and extent of the member's injuries; and
4 (d) His or her alleged incapacity.

5 2. The notice herein required need not be given:

6 (a) If the notice of such accident shall be filed in accordance with
7 the provisions of the workers' compensation law of any state within
8 which a participating employer in Suffolk county shall have its employ-
9 ees located or performing functions and duties within the normal scope
10 of their employment; or

11 (b) If the application for accidental disability retirement is filed
12 within one year after the date of such accident; or

13 (c) If a failure to file notice has been excused for good cause shown
14 as provided by rules and regulations promulgated by the comptroller.

15 d. If the comptroller determines that the member is physically or
16 mentally incapacitated for the performance of duty and ought to be
17 retired for accidental disability, such member shall be so retired. Such
18 retirement shall be effective as of a date approved by the comptroller.

19 e. The annual retirement allowance payable upon accidental disability
20 retirement shall be a pension of three-quarters of his or her final
21 average salary. The payment of such pension shall be subject to the
22 provisions of section sixty-four of this chapter.

23 f. If the member, at the time of the filing of an application under
24 the provisions of subdivision b of this section, is eligible for a
25 service retirement benefit, then and in that event, he or she may simul-
26 taneously file an application for service retirement in accordance with
27 the provisions of section seventy of this chapter, provided that the
28 member indicates on the application for service retirement that such
29 application is filed without prejudice to the application for accidental
30 disability retirement.

31 g. Notwithstanding any other provision of law, this section shall
32 apply to deputy sheriffs in Suffolk county who were hired on or after
33 July twenty-seventh, nineteen hundred seventy-six.

34 § 2. All costs associated with implementing the provisions of this act
35 shall be borne by Suffolk county.

36 § 3. This act shall take effect immediately.

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

This bill would establish an improved accidental disability benefit for eligible Tiers 3 through 6 members of the New York State and Local Employees' Retirement System who are employed by Suffolk County as deputy sheriffs. The improved disability benefit would be three-quarters of final average salary minus workers' compensation. The current disability benefit is two-thirds of final average salary minus workers' compensation.

If this legislation is enacted during the 2020 legislative session, we anticipate that there will be an increase in the annual contributions of Suffolk County of approximately \$150,000 for the fiscal year ending March 31, 2021. In the future, this cost will vary as the billing rates and salaries of those affected change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$409,000 which will be borne by Suffolk County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2021.

These estimated costs are based on 263 affected members employed by Suffolk County, with annual salary of approximately \$45 million as of March 31, 2019.

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 February 20, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-58, prepared by the Actuary for the New York State and Local Retirement System.