

# STATE OF NEW YORK

6132

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

Introduced by Sen. GOUNARDES -- 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 and the administrative code of the city of New York, in relation to death benefits for members of the uniformed force of the New York city department of sanitation and members of the uniformed force of the New York city department of correction

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

1 Section 1. Subdivision b of section 448 of the retirement and social  
2 security law is amended by adding a new paragraph 3 to read as follows:

3 3. Provided further, notwithstanding any other provision of this arti-  
4 cle to the contrary, where a member is in the uniformed force of the New  
5 York city department of sanitation or the uniformed force of the New  
6 York city department of correction, and would have been entitled to a  
7 service retirement benefit at the time of his or her death and where his  
8 or her death occurs on or after July first, two thousand twenty, the  
9 beneficiary or beneficiaries may elect to receive, in a lump sum, an  
10 amount payable which shall be equal to the pension reserve that would  
11 have been established had the member retired on the date of his or her  
12 death, or the value of the death benefit and the reserve-for-increased-  
13 take-home-pay, if any, whichever is greater.

14 § 2. Subdivision b of section 508 of the retirement and social securi-  
15 ty law, as amended by chapter 476 of the laws of 2018, is amended to  
16 read as follows:

17 b. A member of a retirement system subject to the provisions of this  
18 article who is a police officer, firefighter, correction officer, inves-  
19 tigator revised plan member or sanitation worker and is in a plan which  
20 permits immediate retirement upon completion of a specified period of  
21 service without regard to age or who is subject to the provisions of  
22 section five hundred four or five hundred five of this article, shall

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

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1 upon completion of ninety days of service be covered for financial  
2 protection in the event of death in service pursuant to this subdivi-  
3 sion.

4 1. Such death benefit shall be equal to three times the member's sala-  
5 ry raised to the next highest multiple of one thousand dollars, but in  
6 no event shall it exceed three times the maximum salary specified in  
7 section one hundred thirty of the civil service law or, in the case of a  
8 member of a retirement system other than the New York city employees'  
9 retirement system, or in the case of a member of the New York city  
10 employees' retirement system who is a New York city uniformed  
11 correction/sanitation revised plan member or an investigator revised  
12 plan member, the specific limitations specified for age of entrance into  
13 service contained in subparagraphs (b), (c), (d), (e) and (f) of para-  
14 graph two of subdivision a of this section.

15 2. Provided further, notwithstanding any other provision of this arti-  
16 cle to the contrary, where a member is in the uniformed force of the New  
17 York city department of sanitation or the uniformed force of the New  
18 York city department of correction, and would have been entitled to a  
19 service retirement benefit at the time of his or her death and where his  
20 or her death occurs on or after July first, two thousand twenty, the  
21 beneficiary or beneficiaries may elect to receive, in a lump sum, an  
22 amount payable which shall be equal to the pension reserve that would  
23 have been established had the member retired on the date of his or her  
24 death, or the value of the death benefit and the reserve-for-increased-  
25 take-home-pay, if any, whichever is greater.

26 § 3. Subdivision b of section 606 of the retirement and social securi-  
27 ty law, as amended by chapter 476 of the laws of 2018, is amended to  
28 read as follows:

29 b. A member of a retirement system subject to the provisions of this  
30 article who is a police officer, firefighter, correction officer or  
31 sanitation worker and is in a plan which permits immediate retirement  
32 upon completion of a specified period of service without regard to age  
33 or who is subject to the provisions of section six hundred four of this  
34 article, shall upon completion of ninety days of service be covered for  
35 financial protection in the event of death in service pursuant to this  
36 subdivision.

37 1. Such death benefit shall be equal to three times the member's sala-  
38 ry raised to the next highest multiple of one thousand dollars, but in  
39 no event shall it exceed three times the maximum salary specified in  
40 section one hundred thirty of the civil service law or, in the case of a  
41 member of a retirement system other than the New York city employees'  
42 retirement system, the specific limitations specified for age of  
43 entrance into service contained in subparagraphs (b), (c), (d), (e) and  
44 (f) of paragraph two of subdivision a of this section.

45 2. Provided further, notwithstanding any other provision of this arti-  
46 cle to the contrary, where a member is in the uniformed force of the New  
47 York city department of sanitation or the uniformed force of the New  
48 York city department of correction, and would have been entitled to a  
49 service retirement benefit at the time of his or her death and where his  
50 or her death occurs on or after July first, two thousand twenty, the  
51 beneficiary or beneficiaries may elect to receive, in a lump sum, an  
52 amount payable which shall be equal to the pension reserve that would  
53 have been established had the member retired on the date of his or her  
54 death, or the value of the death benefit and the reserve-for-increased-  
55 take-home-pay, if any, whichever is greater.

1 § 4. Section 13-148 of the administrative code of the city of New York  
2 is amended by adding a new subdivision d to read as follows:

3 d. Notwithstanding any other provision of this article to the contra-  
4 ry, where a member is in the uniformed force of the department of sani-  
5 tation or the uniformed force of the department of correction, and would  
6 have been entitled to a service retirement benefit at the time of his or  
7 her death and where his or her death occurs on or after July first, two  
8 thousand twenty, the beneficiary or beneficiaries may elect to receive,  
9 in a lump sum, an amount payable which shall be equal to the pension  
10 reserve that would have been established had the member retired on the  
11 date of his or her death, or the value of the death benefit and the  
12 reserve-for-increased-take-home-pay, if any, whichever is greater.

13 § 5. This act shall take effect immediately.