

STATE OF NEW YORK

3716

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. GUNTHER, ZEBROWSKI, THIELE, ENGLEBRIGHT, COLTON, SEAWRIGHT, JEAN-PIERRE, SIMON, BARNWELL, DICKENS, REYES, COOK, STERN, GRIFFIN, PHEFFER AMATO, D. ROSENTHAL, FERNANDEZ, DARLING, AUBRY, McDONOUGH, BARCLAY, MONTESANO, PALMESANO, BRABENEC, DiPIETRO, BLANKENBUSH, B. MILLER, SMITH, NORRIS, DeSTEFANO, MIKULIN, REILLY, MANKTELOW -- Multi-Sponsored by -- M. of A. FITZPATRICK, HAWLEY, HEVESI, LUPARDO, MORINELLO, RA, TAGUE, WALSH -- read once and referred to the Committee on Governmental Employees

AN ACT establishing a temporary task force on variable supplements fund

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

1 Section 1. Legislative intent. The variable supplements fund (VSF)
2 program was enacted in 1970 to provide supplementation to the retirement
3 allowance of New York city police and fire retirement system members.
4 Since the enactment of the legislation establishing the VSF program,
5 much controversy has been generated by the exclusion of disability retirees
6 from eligibility for the benefit. Although a small number of New
7 York city disability retirees were permitted to receive VSF supplementation
8 benefits as a result of technical correction legislation approved
9 during previous years, the lack of clarity in defining VSF eligibility
10 and the continued exclusion of most disabled firefighters from receipt
11 of this benefit has been a cause of much frustration and confusion for
12 disability pensioners.

13 While it is recognized that any amendment to the VSF will require
14 careful study and consideration of the issues involved, the legislature's
15 interest in ensuring fairness and equity demand such review.
16 Because the legislature does not accept this responsibility lightly, it
17 hereby declares that the establishment of a temporary task force, to be
18 known as the temporary task force on the variable supplements fund, is
19 both warranted and required.

20 § 2. 1. A temporary task force, to be known as the temporary task
21 force on the variable supplements fund, is hereby created to examine and
22 investigate such issues as are related to the exclusion of disability
23 pensioners from the variable supplements fund.

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

LBD02733-01-1

1 2. The temporary task force shall have the power to:

2 (a) conduct public hearings in furtherance of the performance of its
3 duties under this act;

4 (b) issue subpoenas for and to compel attendance of witnesses and the
5 production of books, records, documents and other relevant evidence; and

6 (c) to recommend legislation consistent with the purposes of this
7 section.

8 3. The task force shall consist of eleven members appointed as
9 follows:

10 (a) two members who shall be appointed by the governor;

11 (b) two members who shall be appointed by the temporary president of
12 the senate;

13 (c) two members who shall be appointed by the speaker of the assembly;

14 (d) one member who shall be appointed by the minority leader of the
15 senate;

16 (e) one member who shall be appointed by the minority leader of the
17 assembly;

18 (f) one member who shall be appointed by the mayor of the city of New
19 York;

20 (g) one member who shall be appointed by the state comptroller; and

21 (h) one member who shall represent the interest of the affected disa-
22 bility retirees and who shall be appointed by the chair.

23 From among such eleven members, the governor shall designate the
24 chair. In addition to such eleven voting members, the president of the
25 uniformed firefighters association of greater New York or his or her
26 designee, the comptroller of the city of New York or his or her desig-
27 nee, a member of the board of trustees of the transit police officer's
28 variable supplements fund or his or her designee, a member of the board
29 of trustees of the housing police officer's variable supplements fund or
30 his or her designee, a member of the board of trustees of the transit
31 police superior officers' variable supplements fund or his or her desig-
32 nee, a member of the board of trustees of the housing police superior
33 officers' variable supplements fund or his or her designee, and a member
34 of the board of trustees of the correction officers' variable supple-
35 ments fund or his or her designee shall serve as non-voting members. Six
36 voting members of the temporary task force shall, at all times, consti-
37 tute a quorum. Members shall receive no compensation for their services;
38 members (including non-voting members) who are not governmental employ-
39 ees shall be reimbursed for their reasonable expenses incurred during
40 the performance of their duties. Notwithstanding any inconsistent
41 provision of any general, special or local law, no officer or employee
42 of the state or of any political subdivision thereof shall forfeit his
43 or her office or employment by reason of acceptance of appointment to
44 the temporary task force.

45 4. Within one year of the effective date of this act, the temporary
46 task force shall issue a report containing such findings and recommenda-
47 tions regarding the eligibility of disability pensioners of New York
48 city to receive supplemental payments from the variable supplements fund
49 and any other matters relating thereto. Such report shall be transmitted
50 to the governor, the comptroller, the chair of the Senate civil service
51 and pensions committee and the chair of the assembly governmental
52 employees committee.

53 § 3. This act shall take effect immediately.