STATE OF NEW YORK

8052--A

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. CLARK -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize James E. McTammany to receive an accidental disability retirement

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

Section 1. Notwithstanding any other provision of law, James E. McTammany, who was employed by the town of Greece from January 24, 1974 until September 15, 1991 and for the office of emergency communications for the city of Rochester from September 16, 1991 until July 25, 1995, and who was critically injured in September 1994 as a result of an injury on the job and was unable to return to work after surgery in March 1995, and who was denied an accidental disability retirement from the New York state and local retirement system, and who, as of the effective date of this act, is on regular service disability or receiving an ordinary disability benefit, shall be entitled to reapply for an accidental disability retirement from the New York state and local retirement system if, within one year of the effective date of this act, he shall file a written request with the state comptroller.

§ 2. This act shall take effect immediately.

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

This bill would allow James E. McTammany, an ordinary disability retiree in the New York State and Local Employees' Retirement System (NYSLERS), to reapply for an accidental disability retirement. James McTammany was previously denied the accidental disability in 1995, and this decision was upheld at a hearing in 1997.

If this bill is enacted during the 2022 legislative session, there will be an immediate past service cost of approximately $261,000. This

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

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estimated cost assumes that the NYSLERS will approve James McTammany for the accidental disability retirement after he reapplies pursuant to this legislation. It also assumes that his increased benefit will be retroactive to his ordinary disability date of retirement. The cost would be shared by the State of New York and all of the participating employers in the NYSLERS.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the 2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 January 21, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-63, prepared by the Actuary for the New York State and Local Retirement System.