STATE OF NEW YORK

4233

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sens. GOUNARDES, GAUGHRAN -- 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 general municipal law, in relation to disability retirement benefits for the presumption of Parkinson's Disease for paid firefighters

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

Section 1. The retirement and social security law is amended by adding a new section 363-ff to read as follows:

§ 363-ff. Firefighter certain impairments of health; presumption. Notwithstanding any other provisions of this chapter to the contrary, any condition of impairment of health caused by Parkinson's Disease, resulting in total or partial disability or death to a paid firefighter, who successfully passed a physical examination on entry into firefighter service, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that, unless the contrary be proven by competent evidence, such disability or death (a) was caused by the natural and proximate result of an accident, not caused by such firefighter's own willful negligence, and (b) was sustained in the performance and discharge of duty.

§ 2. The general municipal law is amended by adding a new section 207-kkk to read as follows:

§ 207-kkk. Disabilities of firefighters in certain cities caused by Parkinson's Disease. Notwithstanding any other provisions of this chapter to the contrary, any condition of impairment of health caused by Parkinson's Disease resulting in total or partial disability or death to a paid member of a fire department in a city with a population of one million or more, or any retired member of such department who has been retired for two or less years, who successfully passed a physical examination on entry into the service of such department, which examination

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

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failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proved by competent evidence.

§ 3. The board of trustees of the New York city fire department pension fund shall take appropriate administrative action to implement the intent of section two of this act.

§ 4. This act shall take effect immediately.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to provide firefighters with a presumption that any disability or death resulting from impairments of health related to Parkinson's Disease are the result of an accident sustained in the performance of duty, unless the contrary can be proven by competent evidence.

Insofar as it will affect the New York State and Local Police and Fire Retirement System (PFRS), if this bill is enacted it would lead to more disabilities and deaths being classified as "accidental". The cost of the revised benefit will depend upon the applicant's age, service, salary, plan and benefit type otherwise payable.

Benefit without enactment:	None	Ordinary Disability	POD Disability	Service	Death
Cost for revised benefit:	9 times salary	5 times salary	2.5 times salary	2 times salary	11 times salary

However, we anticipate that few additional accidental disability retirements and death benefits will be granted, and thus, the resulting costs are expected to be negligible. All costs will be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 14, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-22, prepared by the Actuary for the New York State and Local Retirement System.