STATE OF NEW YORK

2934

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. KAMINSKY -- 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 the retirement of members who serve as police medics, police medic supervisors and members who perform police medic related services in the Nassau county police department

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

Section 1. The section heading and subdivisions a and d of section 89-s of the retirement and social security law, as amended by chapter 578 of the laws of 1998, are amended to read as follows:

Retirement of members who serve as ambulance medical technicians, ambulance medical technician/supervisors [~~and~~]**,** members who perform ambulance medical technician related services**, police medics, police medic supervisors and members who perform police medic related services** in the Nassau county police department.

a. Any member who serves as an ambulance medical technician, ambulance medical technician/supervisor or a member who performs ambulance medical technician related services**, or a police medic, police medic supervisor or a member who performs police medic related services** and is employed in the Nassau county police department shall be eligible to retire pursuant to the provisions of this section. Such eligibility shall be an alternative to the eligibility provisions available under any other plan of this article to which such member is subject.

d. As used in this section "creditable service" shall include any and all services performed as an ambulance medical technician, ambulance medical technician/supervisor or member who performs ambulance medical technician related services**, or a police medic, police medic supervisor or a member who performs police medic related services** in the Nassau county police department.

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

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§ 2. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retirement for disability, unless he or she is a police officer, an investigator member of the New York city employees' retirement system, firefighter, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws of nineteen hundred ninety-eight, of this chapter, sanitation worker, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services**, or a police medic, police medic supervisor or a member who performs police medic related services**, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred nine-

ty-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal or chief fire marshal employed by the county of Nassau as defined in section eighty-nine-w of this chapter and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a police officer or investigator member of the New York city employees' retirement system or a firefighter, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, he or she may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the benefit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

§ 3. Subdivision o of section 603 of the retirement and social security law, as amended by chapter 578 of the laws of 1998, is amended to read as follows:

o. The service retirement benefit specified in section six hundred four of this article shall be payable to members with twenty-five or more years of creditable service, without regard to age, who are employed as ambulance medical technicians, ambulance medical technician/supervisors or a member who performs ambulance medical technician related services**, or a police medic, police medic supervisor or a member who performs police medic related services** within the Nassau county police department, as defined in section eighty-nine-s of this chapter if: (i) such members have met the minimum service requirements upon retirement, and (ii) in the case of a member subject to the provisions of article fourteen of this chapter, such member files an election therefor which provides that he or she will be subject to the

provisions of this article and to none of the provisions of such article fourteen. Such election, which shall be irrevocable, shall be in writing, duly executed and shall be filed with the comptroller on or before January first, two thousand. For the purposes of this subdivision, the term "creditable service" shall have the meaning as so defined in both sections eighty-nine-s and six hundred one of this chapter.

§ 4. Subdivision p of section 604 of the retirement and social security law, as amended by chapter 578 of the laws of 1998, is amended to read as follows:

p. The early service retirement for a member who is employed as an ambulance medical technician, ambulance medical technician/supervisor or a member who performs ambulance medical technician related services**, or a police medic, police medic supervisor or a member who performs police medic related services** as defined in section eighty-nine-s of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service, but not exceeding one-half of his or her final average salary; for service beyond twenty-five years the benefits shall increase by one-sixtieth of final average salary for each year of additional service credit provided, however, that the total allowance payable pursuant to this section shall not exceed three-fourths of such member's final average salary.

§ 5. The section heading, the opening paragraph of subdivision a and subdivision g of section 605-e of the retirement and social security law, as added by chapter 522 of the laws of 2014, are amended to read as follows:

Accidental disability retirement for ambulance medical technician supervisors, ambulance medical technician coordinators [~~and~~]**,** ambulance medical technicians**, police medic supervisors, police medic coordinators, and police medics** in Nassau county.

A member employed as [~~a~~] **an** ambulance medical technician supervisor, ambulance medical technician coordinator [~~and~~]**,** ambulance medical technician**, police medic supervisor, police medic coordinator, or police medic** in Nassau county shall be entitled to an accidental disability retirement allowance if, at the time application therefor is filed, such member is:

g. Notwithstanding any other provision of law, this section shall apply to ambulance medical technician supervisors, ambulance medical technician coordinators [~~and~~]**,** ambulance medical technicians**, police medic supervisors, police medic coordinators, and police medics** in Nassau county who were hired on or after July twenty-seventh, nineteen hundred seventy-six.

§ 6. This act shall take effect immediately.

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

This bill will add police medic titles and members who perform police medic related services in Nassau County to the ambulance medical technician titles eligible for certain retirement benefits.

If this bill is enacted during the 2021 legislative session, there will not be a past service cost as these members were previously in the ambulance medical technician titles and covered by the same sections of law.

There will be no increase in the annual contributions of Nassau County.

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 actuari-

al 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 December 21, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-3, prepared by the Actuary for the New York State and Local Retirement System.