STATE OF NEW YORK

6864

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to disability retirement of certain New York city correction members

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

Section 1. Paragraph 1 of subdivision b of section 507-a of the retirement and social security law, as added by chapter 452 of the laws of 1983, is amended to read as follows:

1. Have at least ten years of total service credit, **except that a member in the uniformed personnel of the New York city department of correction may file an application without regard to length of service,** and

§ 2. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would modify the eligibility requirements of Retirement and Social Security Law (RSSL) Section 507-a for certain New York City Department of Correction (Correction) members of the New York City Employees' Retirement System (NYCERS).

For the purposes of this Fiscal Note, Covered Participants refers to NYCERS Correction members who are subject to RSSL Article 14, but excludes non-Enhanced Revised Plan Correction Members.

Under the proposed legislation, Covered Participants with less than 10 years of credited service would be entitled to 507-a disability benefits without having to show the disability resulted from a work-related accident.

Effective Date: Upon enactment.

IMPACT ON BENEFITS: Currently, Covered Participants who are determined to be disabled by the NYCERS' Medical Board, and have accumulated at least 10 years of service credit, are eligible for an immediate ordinary

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

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disability retirement (ODR) allowance pursuant to RSSL Section 507-a equal to the greater of:

1) 1/3 of Final Average Salary (FAS), or

2) 1/60 of FAS multiplied by credited service.

If such member is also eligible for Service Retirement, the ODR benefit cannot be less than the retirement allowance for Service Retirement.

Under the proposed legislation, if enacted, the ODR benefit under RSSL Section 507-a would become available to disabled Covered Participants, subject to approval under the applicable statutes and procedures established by NYCERS, irrespective of service credit accumulation.

For the purposes of this Fiscal Note, the Actuary has assumed that the proposed Section 507-a benefit would only be available to eligible Covered Participants prospectively on and after the Effective Date.

FINANCIAL IMPACT - PRESENT VALUES: The ultimate cost of this proposed legislation would be any additional benefits paid to NYCERS participants compared with current law. The timing of the financial impact of the proposed legislation would depend on the number, salaries, age, and lengths of service of Covered Participants who become eligible for 507-a benefits and the actuarial assumptions and methods employed by the Actuary for such purposes.

Based on the anticipated Covered Participants and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the present value of future employer contributions by approximately $0.9 million.

Under the Entry Age Normal cost method used to determine the employer contributions to NYCERS, there would be a decrease in the Unfunded Accrued Liability (UAL) of approximately $13.7 million, offset by an increase in the Present Value of future employer Normal Cost of $14.6 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation would result in an initial increase in annual employer contributions for New York City of approximately $303,000 which is the result of an increase in the Normal Cost offset by the UAL payment.

New UAL attributable to benefit changes are generally amortized over the remaining working lifetime of those impacted by the benefit changes. The remaining working lifetime for this group is approximately 15 years and the increase in UAL was therefore amortized over a 15-year period (14 payments under the One-Year Lag Methodology) using level dollar payments.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2022 actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2024 employer contributions.

There were 3,102 Covered Participants with less than 10 years of credited service as of June 30, 2022 and they had an average age of approximately 37.7 years, average service of approximately 6.2 years, and an average salary of approximately $108,400.

ACTUARIAL ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the actuarial assumptions and methods in effect for the Preliminary Fiscal Year 2024 employer contributions of NYCERS.

For the purposes of this Fiscal Note, it is assumed that the changes would be reflected for the first time in the June 30, 2022 actuarial valuation of NYCERS used to determine employer contributions for Fiscal Year 2024.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, demograph-

ics of the impacted population and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein.

Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial additional administrative costs of NYCERS and other New York City agencies to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Marek Tyszkiewicz, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am an Associate of the Society of Actuaries and a Member of the American Academy of Actuaries. I am a member of NYCERS but do not believe it impairs my objectivity and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2023-37 dated April 25, 2023 was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2023 Legislative Session.