# STATE OF NEW YORK

9645

# IN ASSEMBLY

March 27, 2024

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 benefits for certain individuals employed by 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 retirement and social security law is amended by adding a new section 63-j to read as follows:

**§ 63-j. Certain impairment of health; presumption. Notwithstanding any provision of this chapter or any general or special law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in the disability or death to a member who serves as an ambulance medical technician, ambulance medical coordinator, ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic coordinator, police medic supervisor, bureau director police emergency ambulance services - county, assistant bureau director police emergency ambulance services - county, or a member who performs police medic or police emergency ambulance related services and is employed in the Nassau county police department, presently employed and who shall have sustained such disability while so employed, who successfully passed a physical examination on entry into service as a member covered by this section, which examination failed to disclose evidence of any disease or other impairment of the heart, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary can be proved by competent evidence.**

§ 2. The retirement and social security law is amended by adding a new section 607-m to read as follows:

**§ 607-m. Certain impairment of health; presumption. Notwithstanding any provision of this chapter or any general or special law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in the disability or death to a member who serves as an ambulance medical technician, ambulance medical coordinator, ambu-**

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

LBD14101-02-4

lance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic coordinator, police medic supervisor, bureau director police emergency ambulance services - county, assistant bureau director police emergency ambulance services - county, or a member who performs police medic or police emergency ambulance related services and is employed in the Nassau county police department, presently employed and who shall have sustained such disability while so employed, who successfully passed a physical examination on entry into service as a member covered by this section, which examination failed to disclose evidence of any disease or other impairment of the heart, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary can be proved by competent evidence.

§ 3. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to the appropriation requirement of section 25 of the retirement and social security law.

§ 4. This act shall take effect immediately.

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

This bill would allow certain members who are employed in the Nassau County police department who perform police medic or police emergency ambulance related services to receive a performance of duty disability benefit if the member is impaired due to a condition of the heart, which shall be presumed to have been incurred in the performance of their duties, unless the contrary be proven by competent evidence. Such presumption will benefit the members who currently have the 50% of final average salary benefit available pursuant to Section 607-j of the Retirement and Social Security Law (RSSL).

The provisions of Section 25 of the RSSL shall not apply.

If this legislation is enacted during the 2024 Legislative Session, it would likely lead to more disabilities being classified as "in performance of duty."

We anticipate that there will be a total increase of approximately $27,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2025. In future years this cost will vary as the billing rates and salary of the affected members change, but is expected to average 0.2% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $48,200 which will be shared by the State of New York and the local participating employers in the NYSLERS. This estimate assumes that payment will be made on February 1, 2025.

Further, we anticipate that there could be some administrative costs to implement the provisions of this legislation.

These estimated costs are based on 110 affected members employed by Nassau County, with annual salary of approximately $15 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 March 19, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-103, prepared by the Actuary for the New York State and Local Retirement System.