

STATE OF NEW YORK

3492

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. JACKSON, MANNION -- 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
accidental disability retirement for uniformed court officers and
peace officers employed in the unified court system

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

1 Section 1. Subdivision a of section 605-a of the retirement and social
2 security law, as amended by chapter 489 of the laws of 2008, is amended
3 to read as follows:

4 a. A member employed as a uniformed court officer or peace officer in
5 the unified court system shall be entitled to an accidental disability
6 retirement allowance if, at the time application therefor is filed, such
7 member is:

8 1. Physically or mentally incapacitated for performance of duty as the
9 natural and proximate result of an accident, not caused by his or her
10 own willful negligence, sustained in such service and while actually a
11 member of the retirement system; and

12 2. Actually in service upon which his or her membership is based.
13 However, in a case where a member is discontinued from service subse-
14 quent to the accident, either voluntarily or involuntarily, and provided
15 that the member meets the requirements of paragraph one of this subdivi-
16 sion, application may be made either (a) by a vested member incapaci-
17 tated as the result of a qualifying World Trade Center condition as
18 defined in section two of this chapter at any time, or (b) not later
19 than two years after the member is first discontinued from service.

20 For purposes of this subdivision, a member who is injured as the
21 result of a physical assault by an assailant, suffered while in service
22 shall be entitled to accidental disability retirement unless the contra-
23 ry can be proven by competent evidence under this section.

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

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

4 § 3. This act shall take effect immediately.

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

6 This bill would allow Tier 3, 4, 5 and 6 uniformed court officers and
7 peace officers in the unified court system to be eligible for an acci-
8 dental disability for injuries sustained in the performance of duty as
9 the result of a physical assault by an assailant, unless the contrary be
10 proven by competent evidence. The benefit for an accidental disability
11 would be 75% of final average salary less worker's compensation.

12 If this bill is enacted during the 2023 legislative session, the cost
13 will depend upon the applicant's age, service, salary, plan, and any
14 benefit type otherwise payable.

15	Benefit without enactment:	None	Ordinary	Service
16			Disability	
17	Cost for proposed benefit:	7.5 times	3 times	0 times
18		salary	salary	salary

19 The exact number of current members as well as future members who
20 could be affected by this legislation cannot be readily determined.

21 Summary of relevant resources:

22 Membership data as of March 31, 2022 was used in measuring the impact
23 of the proposed change, the same data used in the April 1, 2022 actuari-
24 al valuation. Distributions and other statistics can be found in the
25 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial
26 Report.

27 The actuarial assumptions and methods used are described in the 2020,
28 2021, and 2022 Annual Report to the Comptroller on Actuarial Assump-
29 tions, and the Codes, Rules and Regulations of the State of New York:
30 Audit and Control.

31 The Market Assets and GASB Disclosures are found in the March 31, 2022
32 New York State and Local Retirement System Financial Statements and
33 Supplementary Information.

34 This fiscal note does not constitute a legal opinion on the viability
35 of the proposed change nor is it intended to serve as a substitute for
36 the professional judgment of an attorney.

37 This estimate, dated January 23, 2023, and intended for use only
38 during the 2023 Legislative Session, is Fiscal Note No. 2023-19,
39 prepared by the Actuary for the New York State and Local Retirement
40 System.