STATE OF NEW YORK

6306--B

2023-2024 Regular Sessions

IN SENATE

April 12, 2023

Introduced by Sens. JACKSON, MARTINEZ, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to providing WTC-related benefits to certain employees who worked at the Verrazano Bridge Toll Facility

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

Section 1. Paragraph (e) of subdivision 36 of section 2 of the retirement and social security law, as amended by chapter 424 of the laws of 2021, is amended to read as follows:

(e) "Participated in World Trade Center rescue, recovery or cleanup operations" shall mean any member who: (i) participated in the rescue, recovery, or cleanup operations at the World Trade Center site, as defined in paragraph (f) of this subdivision; (ii) worked at the Fresh Kills Land Fill in New York; (iii) worked at the New York city morgue or the temporary morgue on pier locations on the west side of Manhattan; (iv) manned the barges between the west side of Manhattan and the Fresh Kills Land Fill in New York; (v) repaired, cleaned or rehabilitated vehicles or equipment, including emergency vehicle radio equipment owned by the city of New York that were contaminated by debris in the World Trade Center site, as defined in paragraph (f) of this subdivision, regardless of whether the work on the repair, cleaning or rehabilitation of said vehicles and equipment was performed within the World Trade Center site, provided such work was performed prior to decontamination of such vehicles or equipment; [~~or~~] (vi) worked in the following departments, worksites and titles: (A) New York City Police Department at 11

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

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Metrotec Center in Brooklyn or 1 Police Plaza in Manhattan as a Police Communication Technician (PCT), Supervisor Police Communication Technician (SPCT), Principal Police Communication Technician I, Principal Police Communication Technician II, Principal Police Communication Technician III, Administrative Manager - Communications, or in the Police Administrative Aide title series; (B) Fire Department of the City of New York at 35 Empire Boulevard in Brooklyn, 79th Street Transverse in Manhattan, 83-98 Woodhaven Boulevard in Queens, 1129 East 180 Street in the Bronx, 65 Slosson Avenue in Staten Island, 9 Metrotec Center in Brooklyn, or 25 Rockaway Avenue in Brooklyn as Fire Alarm Dispatchers (FAD), Supervising Fire Alarm Dispatchers I (SFAD), Supervising Fire Alarm Dispatchers II (Borough Supervisor), Deputy Director & Director Fire Dispatch Operations, or Assistant Commissioner for Communications; (C) for the Fire Department of the City of New York's Emergency Medical Service at 1 or 9 Metrotec Centers in Brooklyn, or 55-30 58 Street in Maspeth Queens as Emergency Medical Specialist-Level I (EMT), Emergency Medical Specialist Level II-(Paramedic), Supervising Emergency Medical Specialist Level I (LT), Supervising Emergency Medical Specialist Level II (Capt), Deputy Chief EMS Communications, or Division Commander EMS Communications**; or (vii) worked at the Verrazano Bridge Toll Facility**. For purposes of this paragraph, the term "member" shall include each person who during the qualifying period was in the employment of a public employer which then participated for such employees in a public retirement system in this state, irrespective of whether the person was a participant in such system at that time, provided that the person has become a participant in such retirement system and has purchased service credit for a period of time that includes some or all of the qualifying period in accordance with provisions of law applicable to such purchase of service credit.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 11, 2001.

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

This bill would expand the definition of a member who participated in World Trade Center (WTC) rescue, recovery or cleanup operations to include those who worked at the Verrazano Bridge Toll Facility.

Insofar as this bill would affect the New York State and Local Employees' Retirement System (NYSLERS) and the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this bill is enacted during the 2024 Legislative Session, it would (a) reclassify certain retiree benefits as accidental disability, (b) lead to an increased number of accidental disability benefits for future retirees, and (c) also lead to more 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 prior to enactment:	None	Ordinary Disability	Performance of Duty
NYSLERS cost for proposed benefit:	10 times salary	5.5 times salary	3 times salary
NYSLPFRS cost for proposed benefit:	10 times salary	5.5 times salary	3 times salary

Benefit prior to enactment:	Service Retirement	Ordinary Death

NYSLERS cost for proposed benefit:	2 times salary	4.5 times salary
NYSLPFRS cost for proposed benefit:	2 times salary	13 times salary

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined. Pursuant to Section 25 of the Retirement and Social Security Law, the costs arising in the NYSLERS will be borne entirely by the State of New York and will require an itemized appropriation sufficient to pay the cost of the provision. The costs arising in the NYSLPFRS will be shared by the State of New York and the local participating employers of the NYSLPFRS.

Further, we anticipate additional administrative costs to implement the provisions of this legislation.

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 January 3, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-18, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY: This proposed legislation would expand the definition of a member who participated in World Trade Center rescue, recovery, or cleanup operations to include those who worked at the Verrazano Bridge Toll Facility.

ILLUSTRATION - INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

Year	Per Incident Disability	Death
2025	30	116
2026	30	116
2027	30	116
2028	30	116
2029	30	116
2030	30	116
2031	30	116
2032	30	116
2033	30	116

2034	30	116
2035	30	116
2036	30	116
2037	30	116
2038	30	116
2039	0	0
2040	0	0
2041	0	0
2042	0	0
2043	0	0
2044	0	0
2045	0	0
2046	0	0
2047	0	0
2048	0	0
2049	0	0

Employer contribution impact beyond Fiscal Year 2049 is not shown. The potential increases in employer contributions will be allocated to the Triborough Bridge and Tunnel Authority.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 ($ in Thousands)

Present Value (PV)	Per Disability	Per Death
PV of Benefits:	254	983
PV of Employee Contributions:	0	0
PV of Employer Contributions:	254	983
Unfunded Accrued Liabilities:	254	983

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Disability	Per Death
Number of Payments:	14	14
Amortization Payment:	30 K	116 K

CENSUS DATA: The number of members and eligible retirees who worked at the Verrazano bridge during the applicable period is unknown. The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the potentially impacted population used to develop the average costs in this Fiscal Note is based on TBTA members active during the applicable period and is summarized below.

	NYCERS
Active Members	
- Number Count:	220
- Average Age:	56.0
- Average Service:	25.1
- Average Salary:	119,300
Term. Vested Members	
- Number Count:	31
- Average Age:	58.0
Receiving Members	
- Number Count:	902
- Average Age:	68.2

IMPACT ON MEMBER BENEFITS: Currently, a member who becomes disabled would be eligible for an applicable ordinary disability retirement, generally a lifetime payment of 1/3 of salary or service benefit if greater. The ordinary death benefit is a lump sum payment generally equal to three times the member's salary for active members or a fraction of the retirement benefit for retirees.

Under the proposed legislation, the accidental death benefit would generally be equal to a lifetime benefit of 50%, or 100% for those eligible for Special Accidental Death Benefits, of a member's wages earned during the last year of service.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of NYCERS.

The cost of this proposed legislation could vary greatly depending on the number of future members who benefit and on their length of service, age, and salary history.

The estimated financial impact for disabled members has been calculated assuming 50% would have retired under an Ordinary Disability benefit, and 50% would have continued working if the proposed legislation were not passed.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics 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. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our 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 2024-22 dated March 11, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.