

STATE OF NEW YORK

10511

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Pheffer Amato) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the general municipal law, in relation to disability retirement benefits for the presumption of amyotrophic lateral sclerosis for paid members of a fire department in a city with a population of one million or more

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

1 Section 1. The general municipal law is amended by adding a new
2 section 207-r to read as follows:

3 § 207-r. Disabilities caused by amyotrophic lateral sclerosis.
4 Notwithstanding any other provisions of this chapter to the contrary,
5 any condition of impairment of health caused by amyotrophic lateral
6 sclerosis resulting in total or partial disability or death to a paid
7 member of a fire department in a city with a population of one million
8 or more, or any retired member of such department who has been retired
9 for five or less years, who successfully passed a physical examination
10 on entry into the service of such department, which examination failed
11 to reveal any evidence of such condition, shall be presumptive evidence
12 that it was incurred in the performance of duty unless the contrary be
13 proved by competent evidence.

14 § 2. The board of trustees of the New York city fire department
15 pension fund shall take appropriate administrative action to implement
16 the intent of section one of this act.

17 § 3. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would provide certain members and retirees of the New York City Fire Pension Fund (FIRE) a rebuttable statutory presumption that a qualifying partial or total disability or death related to Amyotrophic Lateral Sclerosis (ALS) was incurred in the performance of duty.

ILLUSTRATION - INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS

by Fiscal Year for the first 25 years (\$ in Thousands)

Year	One	One Incident
	Incident	Per Year

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

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2025	231	231
2026	231	468
2027	231	713
2028	231	965
2029	231	1,225
2030	231	1,492
2031	231	1,768
2032	231	2,051
2033	231	2,344
2034	231	2,645
2035	231	2,955
2036	231	3,274
2037	231	3,603
2038	231	3,942
2039	0	4,060
2040	0	4,182
2041	0	4,307
2042	0	4,437
2043	0	4,570
2044	0	4,707
2045	0	4,848
2046	0	4,993
2047	0	5,143
2048	0	5,297
2049	0	5,456

Employer contribution impact beyond Fiscal Year 2049 is not shown. The potential increases in employer contributions will be allocated to New York City.

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

Present Value (PV)	Per Incident
PV of Benefits:	1,951
PV of Employee Contributions:	0
PV of Employer Contributions:	1,951
Unfunded Accrued Liabilities:	1,951

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Incident
Number of Payments:	14
Amortization Payment:	231 K

CENSUS DATA: The number of members who will benefit in the future from the statutory presumption provided in this bill 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 is summarized below.

	FIRE
Active Members	
- Number Count:	10,720
- Average Age:	40.8
- Average Service:	13.9
- Average Salary:	139,500
Receiving Members (within five years of retirement)	

- Number Count:	2,483
- Average Age:	54.3

IMPACT ON MEMBER BENEFITS: Currently, a FIRE member who becomes disabled due to ALS would be eligible for an applicable ordinary disability retirement, generally a lifetime payment based on salary (generally 1/3 of salary for Tier 3 members and 1/2 of salary for Tier 2 members), or the service retirement benefit if greater. The ordinary death benefit is a lump sum payment generally equal to three times the member's salary. Currently, FIRE retirees who become disabled, or die, after retirement due to ALS are not eligible to reclassify their existing benefit.

Under the proposed legislation, the performance of duty disability benefit for eligible FIRE members and retirees who are disabled from ALS would generally be equal to:

* 75% of Final Average Salary (FAS), where

* FAS is defined as 1-Year FAS for Tier 2 and 3-Year FAS for TIER 3.

Under the proposed legislation, the performance of duty death benefit would generally be equal to a lifetime benefit of 50% of a member's wages earned during the last year of service, plus, if applicable, the Special Accidental Death Benefit (SADB) payable under General Municipal Law section 208-f.

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

The number of members who will benefit in the future from this proposed legislation is unknown. 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 members has been calculated assuming eligible members die in the year following the valuation date.

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 2024-60 dated May 15, 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.