STATE OF NEW YORK

10602

IN ASSEMBLY

June 20, 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 disabilities of fire alarm dispatchers in certain cities

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

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

§ 207-r. Disabilities of fire alarm dispatchers in certain cities. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, except for the purposes of the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the heart, resulting in total or partial disability or death to a fire alarm dispatcher, a supervising fire alarm dispatcher level one or a supervising fire alarm dispatcher level two of a fire department in a city with a population of one million or more, or any retired member of such department who has been retired for five or less years, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the city of New York.

§ 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:

SUMMARY: This proposed legislation would provide Fire Alarm Dispatchers of the New York City Employees' Retirement System (NYCERS) a rebuttable statutory presumption that a qualifying partial or total disability or death related to a heart disease was incurred in the performance of duty.

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

LBD10279-03-4

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

	One Incident		One Incident Per Year	
Year	Disability	Death	Disability	Death
2025	30	39	30	39
2026	30	39	62	79
2027	30	39	94	120
2028	30	39	127	163
2029	30	39	161	207
2030	30	39	196	252
2031	30	39	233	298
2032	30	39	270	346
2033	30	39	309	395
2034	30	39	348	446
2035	30	39	389	498
2036	30	39	431	552
2037	30	39	474	608
2038	30	39	519	665
2039	0	0	535	685
2040	0	0	551	705
2041	0	0	567	727
2042	0	0	584	748
2043	0	0	602	771
2044	0	0	620	794
2045	0	0	638	818
2046	0	0	657	842
2047	0	0	677	868
2048	0	0	697	894
2049	0	0	718	921

Disability costs shown are for members with less than 10 years of service.

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 Disability	Per Death
PV of Benefits:	257	329
PV of Employee Contributions:	0	0
PV of Employer Contributions:	257	329
Unfunded Accrued Liabilities:	257	329

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Disability	Per Death
Number of Payments:	14	14
Amortization Payment:	30 K	39 K

CENSUS DATA: The number of members who will benefit in the future from this fiscal note 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.

	Disability*	Death

Active Members		
- Number Count:	76	187
- Average Age:	34.0	41.0
- Average Service:	5.0	12.2
- Average Salary:	69,300	82,900

* Members with less than 10 years of service

IMPACT ON MEMBER BENEFITS: Under the proposed legislation, an active member, or retiree (within five years of their respective retirement date) of NYCERS who is employed as a Fire Alarm Dispatcher and becomes disabled or dies due to heart disease would be eligible for a performance of duty disability or death benefit.

Currently, an active member of NYCERS who is employed as a Fire Alarm Dispatcher and becomes disabled due to heart disease would be eligible for an applicable ordinary disability retirement benefit, after attaining 10 years of credited service. Members with less than 10 years of service may be eligible for a performance of duty disability benefit if current eligibility requirements are satisfied.

The disability benefit is generally a lifetime payment equal to the greatest of 1/3 of Final Average Salary (FAS), 1/60th of FAS for each year of service, or the service retirement benefit, if eligible.

The ordinary death benefit for Tier 4 and Tier 6 NYCERS Fire Alarm Dispatchers is generally a lump sum payment equal to three times the member's salary. The performance of duty death benefit is generally equal to a lifetime benefit of 50% of a member's wages earned during the last year of service, payable to certain beneficiaries.

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

The number of members and eligible retirees who will benefit in the future from this fiscal note 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.

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 2024-63 dated May 17, 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.