STATE OF NEW YORK

4575

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. GUNTHER, ZEBROWSKI, THIELE, COLTON, SEAWRIGHT, JEAN-PIERRE, SIMON, DICKENS, REYES, COOK, STERN, PHEFFER AMATO, D. ROSENTHAL, DARLING, AUBRY, McDONOUGH, BARCLAY, PALMESANO, BRABENEC, BLANKENBUSH, MILLER, SMITH, NORRIS, DeSTEFANO, MIKULIN, REILLY, MANKTELOW, DURSO, GANDOLFO, JACKSON, SEPTIMO, J. A. GIGLIO, K. BROWN, BURDICK, J. M. GIGLIO, SILLITTI, TANNOUSIS, KELLES, WALLACE, LAVINE, BYRNES, MEEKS -- read once and referred to the Committee on Governmental Employees

AN ACT establishing a temporary task force on variable supplements fund

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

Section 1. Legislative intent. The variable supplements fund (VSF) program was enacted in 1970 to provide supplementation to the retirement allowance of New York city police and fire retirement system members. Since the enactment of the legislation establishing the VSF program, much controversy has been generated by the exclusion of disability retirees from eligibility for the benefit. Although a small number of New York city disability retirees were permitted to receive VSF supplementation benefits as a result of technical correction legislation approved during previous years, the lack of clarity in defining VSF eligibility and the continued exclusion of most disabled firefighters from receipt of this benefit has been a cause of much frustration and confusion for disability pensioners.

While it is recognized that any amendment to the VSF will require careful study and consideration of the issues involved, the legislature's interest in ensuring fairness and equity demand such review. Because the legislature does not accept this responsibility lightly, it hereby declares that the establishment of a temporary task force, to be known as the temporary task force on the variable supplements fund, is both warranted and required.

§ 2. 1. A temporary task force, to be known as the temporary task force on the variable supplements fund, is hereby created to examine and investigate such issues as are related to the exclusion of disability pensioners from the variable supplements fund.

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

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2. The temporary task force shall have the power to:

(a) conduct public hearings in furtherance of the performance of its duties under this act;

(b) issue subpoenas for and to compel attendance of witnesses and the production of books, records, documents and other relevant evidence; and

(c) to recommend legislation consistent with the purposes of this section.

3. The task force shall consist of eleven members appointed as follows:

(a) two members who shall be appointed by the governor;

(b) two members who shall be appointed by the temporary president of the senate;

(c) two members who shall be appointed by the speaker of the assembly;

(d) one member who shall be appointed by the minority leader of the senate;

(e) one member who shall be appointed by the minority leader of the assembly;

(f) one member who shall be appointed by the mayor of the city of New York;

(g) one member who shall be appointed by the state comptroller; and

(h) one member who shall represent the interest of the affected disability retirees and who shall be appointed by the chair.

From among such eleven members, the governor shall designate the chair. In addition to such eleven voting members, the president of the uniformed firefighters association of greater New York or his or her designee, the comptroller of the city of New York or his or her designee, a member of the board of trustees of the transit police officer's variable supplements fund or his or her designee, a member of the board of trustees of the housing police officer's variable supplements fund or his or her designee, a member of the board of trustees of the transit police superior officers' variable supplements fund or his or her designee, a member of the board of trustees of the housing police superior officers' variable supplements fund or his or her designee, and a member of the board of trustees of the correction officers' variable supplements fund or his or her designee shall serve as non-voting members. Six voting members of the temporary task force shall, at all times, constitute a quorum. Members shall receive no compensation for their services; members (including non-voting members) who are not governmental employees shall be reimbursed for their reasonable expenses incurred during the performance of their duties. Notwithstanding any inconsistent provision of any general, special or local law, no officer or employee of the state or of any political subdivision thereof shall forfeit his or her office or employment by reason of acceptance of appointment to the temporary task force.

4. Within one year of the effective date of this act, the temporary task force shall issue a report containing such findings and recommendations regarding the eligibility of disability pensioners of New York city to receive supplemental payments from the variable supplements fund and any other matters relating thereto. Such report shall be transmitted to the governor, the comptroller, the chair of the Senate civil service and pensions committee and the chair of the assembly governmental employees committee.

§ 3. This act shall take effect immediately.