STATE OF NEW YORK

5714--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 22, 2023

Introduced by M. of A. PHEFFER AMATO, SANTABARBARA -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 accidental disability retirement for deputy sheriffs

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

Section 1. Paragraph 3 of subdivision e of section 556 of the retirement and social security law, as added by chapter 165 of the laws of 1995, is amended to read as follows:

3. A pension of two-thirds of his or her final average salary**; provided, however, a deputy sheriff shall receive a pension of three-quarters of his or her final average salary if such deputy sheriff is employed by an employer that has elected to provide such benefit to deputy sheriffs**. The payment of such pension shall be subject to the provisions of section [~~three hundred~~] sixty-four of this chapter.

§ 2. This act shall take effect immediately.

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

This bill would allow county employers to elect to provide improved accidental disability pensions to deputy sheriffs covered by the provisions of Article 14-B of the Retirement and Social Security Law. The improved disability benefit would be three-quarters of final average salary less Workers' Compensation. The current disability benefit is two-thirds of final average salary less Workers' Compensation.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase in the annual contributions of any electing county of 0.2% of affected deputy sheriffs' salary for the fiscal year ending March 31, 2025. In future years, this cost will vary as the billing rates and salary of the affected members change.

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

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In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately 1.0% of affected deputy sheriffs' salary, which will be borne by any electing county as a one-time payment. This estimate assumes that payment will be made on February 1, 2025.

These estimated costs are based on 2,848 affected deputy sheriffs, with annual salary of approximately $277.8 million as of March 31, 2023.

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. 2024-37, prepared by the Actuary for the New York State and Local Retirement System.