STATE OF NEW YORK

4137

2023-2024 Regular Sessions

IN SENATE

February 3, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize James E. McTammany to receive an accidental disability retirement

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

Section 1. Notwithstanding any other provision of law, James E. McTammany, who was employed by the town of Greece from January 24, 1974 until September 15, 1991 and for the office of emergency communications for the city of Rochester from September 16, 1991 until July 25, 1995, and who was critically injured in September 1994 as a result of an injury on the job and was unable to return to work after surgery in March 1995, and who was denied an accidental disability retirement from the New York state and local retirement system, and who, as of the effective date of this act, is on regular service disability or receiving an ordinary disability benefit, shall be entitled to reapply for an accidental disability retirement from the New York state and local retirement system if, within one year of the effective date of this act, he shall file a written request with the state comptroller.

§ 2. This act shall take effect immediately.

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

This bill would allow James E. McTammany, an ordinary disability retiree in the New York State and Local Employees' Retirement System (NYSLERS), to reapply for an accidental disability retirement. James E. McTammany was previously denied the accidental disability in 1995, and this decision was upheld at a hearing in 1997.

If this bill is enacted during the 2023 legislative session, there will be an immediate past service cost of approximately $266,000 which will be shared by the State of New York and all participating employers in the NYSLERS.

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

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This estimate assumes that the NYSLERS will approve James E. McTammany for the accidental disability retirement after they reapply pursuant to this legislation. This estimate also assumes that the increased benefit will be retroactive to James E. McTammany's ordinary disability date of retirement.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 27, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-37, prepared by the Actuary for the New York State and Local Retirement System.