# STATE OF NEW YORK

8667

# IN SENATE

February 28, 2024

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

AN ACT granting Michael Quatrocci a presumption of disability regarding 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 the retirement and social security law or of any general, special or local law to the contrary, Michael Quatrocci, a police officer for the city of Yonkers who contracted COVID-19 in March 2020 while so employed and has since had impaired health due to contracting COVID-19 which resulted in a disability, shall have such impaired health be presumptive evidence that such disability was incurred in the performance and discharge of duty and the natural and proximate result of such discharge of duty, unless the contrary be proved by competent evidence, for the purposes of applying for accidental disability retirement under section 363 of the retirement and social security law.

§ 2. This act shall take effect immediately.

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

This bill would grant Michael Quatrocci, a member of the New York State and Local Police and Fire Retirement System (NYSLPFRS), a COVID-19 related presumption which is expected to result in an accidental disability benefit under section 363 of the Retirement and Social Security Law (RSSL). The disability benefit will be 75 percent of final average salary, less workers' compensation. Michael Quatrocci is currently an active member employed full-time with the City of Yonkers as a police officer. They will be required to complete and submit an application for accidental disability retirement prior to receiving any disability benefit.

If this bill is enacted during the 2024 Legislative Session, and Michael Quatrocci is subsequently approved for disability benefits pursuant to section 363 of the RSSL, there will be an immediate past service cost of approximately $832,000 which will be borne by the State of New York and all local participating employers in the NYSLPFRS.

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

LBD13687-02-4

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 February 26, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-80, prepared by the Actuary for the New York State and Local Retirement System.