

STATE OF NEW YORK

9628

IN SENATE

May 16, 2024

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

AN ACT to amend the retirement and social security law, in relation to providing accidental disability retirement for deputy sheriffs in Orange county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 605-h to read as follows:

3 § 605-h. Accidental disability retirement for deputy sheriffs in
4 Orange county. a. A member employed as a deputy sheriff in Orange county
5 shall be entitled to an accidental disability retirement allowance if,
6 at the time application therefor is filed, such member is:

7 1. Physically or mentally incapacitated for performance of duty as the
8 natural and proximate result of an accident, unless the contrary be
9 proved by competent evidence, not caused by such member's own willful
10 negligence, sustained in such service and while actually a member of the
11 retirement system; and

12 2. Actually in service upon which such member's membership is based.
13 However, in a case where a member is discontinued from service subse-
14 quent to the accident, either voluntarily or involuntarily, and provided
15 that the member meets the requirements of paragraph one of this subdivi-
16 sion, application may be made not later than two years after the member
17 is first discontinued from service.

18 b. Application for an accidental disability retirement allowance for
19 such a member may be made by:

20 1. Such member; or

21 2. The head of the department in which such member is employed; or

22 3. Any person acting on behalf of and authorized by such member.

23 c. 1. After the filing of such an application, such member shall be
24 given one or more medical examinations. No such application shall be
25 approved, however, unless the member or some other person on such
26 member's behalf shall have filed written notice in the office of the
27 comptroller within ninety days after the accident, setting forth:

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

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- 1 (a) The time when and the place where such accident occurred; and
- 2 (b) The particulars thereof; and
- 3 (c) The nature and extent of the member's injuries; and
- 4 (d) Such member's alleged incapacity.

5 2. The notice herein required need not be given:

6 (a) If the notice of such accident shall be filed in accordance with
7 the provisions of the workers' compensation law of any state within
8 which a participating employer in Orange county shall have its employees
9 located or performing functions and duties within the normal scope of
10 their employment; or

11 (b) If the application for accidental disability retirement is filed
12 within one year after the date of such accident; or

13 (c) If a failure to file notice has been excused for good cause shown
14 as provided by rules and regulations promulgated by the comptroller.

15 d. If the comptroller determines that the member is physically or
16 mentally incapacitated for the performance of duty and ought to be
17 retired for accidental disability, such member shall be so retired. Such
18 retirement shall be effective as of a date approved by the comptroller.

19 e. The annual retirement allowance payable upon accidental disability
20 retirement shall be a pension of three-quarters of such member's final
21 average salary. The payment of such pension shall be subject to the
22 provisions of section sixty-four of this chapter.

23 f. If the member, at the time of the filing of an application under
24 the provisions of subdivision b of this section, is eligible for a
25 service retirement benefit, then and in that event, such member may
26 simultaneously file an application for service retirement in accordance
27 with the provisions of section seventy of this chapter, provided that
28 the member indicates on the application for service retirement that such
29 application is filed without prejudice to the application for accidental
30 disability retirement.

31 g. Notwithstanding any other provision of law, this section shall
32 apply to deputy sheriffs in Orange county who were hired on or after
33 July twenty-seventh, nineteen hundred seventy-six.

34 § 2. All costs associated with implementing the provisions of this act
35 shall be borne by Orange county.

36 § 3. This act shall take effect immediately.