STATE OF NEW YORK

5458

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York, in relation to the verification of participation in the rescue, recovery, and clean-up operations at the site of the World Trade Center terror attacks on September 11, 2001

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

Section 1. Subdivision 2 of section 13-252.1 of the administrative code of the city of New York, as amended by chapter 489 of the laws of 2013, is amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who [~~participated~~] **filed a timely notice of participation** in World Trade Center rescue, recovery or clean-up operations as defined in section two of the retirement and social security law[~~, and~~] subsequently retired [~~on a service retirement, an ordinary disability retirement, an accidental disability retirement, a performance of duty disability retirement, or was separated from service with a vested right to deferred payability of a retirement allowance~~] and subsequent to such retirement or separation is determined by the [~~NYCPPF~~] **police pension fund** board of trustees to have a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, upon such determination by the [~~NYCPPF~~] **police pension fund** board of trustees, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired or vested had the condition been known and fully developed at the time of the member's retirement or

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

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separation from service with vested rights, unless the contrary is proven by competent evidence.

(b) The [~~NYCPPF~~] police pension fund board of trustees shall consider a reclassification of the member's retirement or vesting as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) [~~The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the NYCPPF board of trustees according to procedures developed by the NYCPPF board of trustees~~] Notwithstanding the provisions of any general, special or local law, or administrative code to the contrary, but except for the purposes of determining eligibility for World Trade Center benefits, it shall be considered presumptive evidence that upon the timely filing of a fully sworn notice of participation, such member shall have a qualifying World Trade Center condition, as defined by subdivision thirty-six of section two of the retirement and social security law, unless the contrary be proved by competent evidence and adopted by a quorum of the board of trustees.

(e) The [~~NYCPPF~~] police pension fund board of trustees is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

§ 2. This act shall take effect immediately.