STATE OF NEW YORK

8810

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

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

AN ACT to amend the general municipal law, in relation to allowing for certain child beneficiaries to receive accidental death benefits for the duration of their lifetime

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

Section 1. The opening paragraphs of subdivisions a, b and c and subdivision f of section 208-f of the general municipal law, the opening paragraph of subdivision a as amended by chapter 720 of the laws of 2023, the opening paragraph of subdivision b as amended by section 1 of part Y of chapter 55 of the laws of 2023, the opening paragraph of subdivision c as amended by chapter 162 of the laws of 2024 and subdivision f as amended by chapter 782 of the laws of 2022, are amended to read as follows:

Notwithstanding any other provision of law, the special accidental death benefit provided by this section shall be paid to the [~~widow or widower~~] surviving spouse or the deceased member's children [~~under the age of eighteen, or, if a student under the age of twenty-three~~], if the [~~widow or widower~~] surviving spouse has died and such children were under the age of twenty-five when the death of the member occurred, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or children [~~under the age of eighteen, or a student under the age of twenty-three~~] who were under the age of twenty-five when the death of the member occurred, of: (i) a deceased member of a pension or retirement system of a police department or paid fire department of a city, town or village; (ii) a deceased paid member of the police force of the police department of the New York city transit authority; (iii) a deceased paid member of the police force of the police department of the New York city housing authority; (iv) a deceased paid member of the uniformed correction force of the New York

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

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city department of correction; (v) a deceased paid uniformed member of a county sheriff's department (outside the city of New York); (vi) a deceased employee of the city of New York or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); (vii) a deceased paid bridge and tunnel member of the New York city employees' retirement system; (viii) a deceased paid member of the uniformed force of the New York city department of sanitation; or (ix) a deceased paid deputy sheriff member of the New York city sheriff's department, providing the [~~widow or widower~~] surviving spouse is ineligible to receive benefits pursuant to section three hundred sixty-one-a of the retirement and social security law as amended by chapter seven hundred thirty-three of the laws of nineteen hundred ninety and the deceased member:

The special accidental death benefit shall be paid by the county, city, town or village which employed the deceased member at the time of death, and shall consist of a pension which is equal to the salary of the deceased member, reduced by the sum of each of the following benefits received by the [~~widow or widower~~] surviving spouse or the deceased member's children [~~under the age of eighteen~~], if the [~~widow or widower~~] surviving spouse has died and such children were under the age of twenty-five when the death of the member occurred, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or children [~~under the age of eighteen, or a student under the age of twenty-three~~] who were under the age of twenty-five when the death of the member occurred, on account of the death of the deceased member:

Commencing July first, two thousand twenty-four the special accidental death benefit paid to a [~~widow or widower~~] surviving spouse or the deceased member's children [~~under the age of eighteen or, if a student, under the age of twenty-three~~], if the [~~widow or widower~~] surviving spouse has died and such children were under the age of twenty-five when the death of the member occurred, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or children [~~under the age of eighteen, or a student under the age of twenty-three~~] who were under the age of twenty-five when the death of the member occurred, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

f. The special accidental death benefit shall be paid to:

1. The member's [~~widow or widower~~] surviving spouse to continue during [~~his or her~~] the lifetime of such surviving spouse. If [~~he or she~~] the deceased member shall leave no [~~widow or widower~~] surviving spouse, or if [~~his or her widow or widower~~] such deceased member's surviving spouse shall die [~~before all his or her~~] and the deceased member's children [~~shall have attained age eighteen or, if students shall have attained the age of twenty-three~~] were under the age of twenty-five when the death of the member occurred, or sooner die, then to

2. [~~His or her~~] The child or children [~~under age eighteen, or, if students, under age twenty-three~~] of such deceased member who were under the age of twenty-five when the death of the member occurred for their lifetimes, divided in such manner as the comptroller, in [~~his~~] their discretion, shall determine, or sooner die, then to

3. [~~His or her~~] **The** parents **of such deceased member** if the member has no [~~widow, widower,~~] **surviving spouse or** children [~~under the age of eighteen, or a student under the age of twenty-three~~] **who were under the age of twenty-five when the death of the member occurred**, for their lifetimes. Such pension shall continue in the same amount as received by the member's [~~widow or widower~~] **surviving spouse** as a joint and survivor pension until every such [~~child shall have attained age eighteen or sooner~~] **parent shall** die.

§ 2. Notwithstanding any provision of law to the contrary, no individual receiving benefits pursuant to the provisions of section 208-f of the general municipal law prior to the effective date of this act whose benefits would be reduced pursuant to the provisions of this act shall be required to repay any such benefits already received. No reduction in benefits shall occur unless an individual receiving such benefit consents to a reduction in benefits.

§ 3. Notwithstanding any provision of law to the contrary, an individual who would have been eligible for benefits under section 208-f of the general municipal law, as amended by section one of this act, as a child of a deceased member who was under the age of 21 when the death of the member occurred and has previously aged out, where such member died before the effective date of this act and was a member of the police department established pursuant to chapter 18 of the New York city charter shall be eligible to receive such benefit if such individual files an application with the New York City police pension fund established pursuant to chapter 2 of title 13 of the administrative code of the city of New York within one year following the effective date of this act. Any application received for such benefit which reduces the benefit of another beneficiary shall not be accepted unless such other beneficiary affirmatively consents to a reduction of benefits in the manner and form prescribed by such pension fund. Such benefits shall not be paid retroactively. No individual shall be eligible under this section if (a) they have reached the age of thirty at the time of application or (b) the current beneficiary or beneficiaries is or are the surviving spouse or the parent or parents of such deceased member who died before the effective date of this act.

§ 4. This act shall take effect immediately; provided however, the amendments to section 208-f of the general municipal law made by section one of this act shall apply to members who die on or after such effective date.

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

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would extend the Special Accidental Death Benefits currently payable to children until age 18 or age 23, for the lifetime of any surviving children who are under age 25 at the time of a member's accidental death.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Millions)

Year	NYCERS	POLICE	FIRE	TOTAL
2026	0.7	95.4	4.8	100.9
2027	0.7	6.7	4.9	12.3
2028	0.7	6.8	4.9	12.4
2029	0.7	7.0	5.0	12.7
2030	0.8	7.2	5.1	13.1
2031	0.8	7.3	5.2	13.3
2032	0.8	7.5	5.3	13.6

2033	0.8	7.7	5.3	13.8
2034	0.8	7.9	5.4	14.1
2035	0.9	8.0	5.5	14.4
2036	0.9	8.2	5.6	14.7
2037	0.9	8.4	5.8	15.1
2038	0.9	6.3	5.9	13.1
2039	0.9	6.5	3.6	11.0
2040	0.9	6.7	3.7	11.3
2041	0.9	6.9	3.8	11.6
2042	1.0	7.1	3.9	12.0
2043	1.0	7.3	4.1	12.4
2044	1.0	7.6	4.2	12.8
2045	1.0	7.8	4.4	13.2
2046	1.1	8.0	4.5	13.6
2047	1.1	8.3	4.7	14.1
2048	1.1	8.5	4.9	14.5
2049	1.2	8.7	5.0	14.9
2050	1.2	9.0	5.2	15.4

Projected contributions include future new hires that may be impacted. For Fiscal Year 2051 and beyond, the expected increase in normal cost as a level percent of pay for impacted new entrants is approximately 0.03% for NYCERS, 0.09% for POLICE, and 0.15% for FIRE. Costs for potential future accidental death reclassifications are not included above.

The initial increase in employer contributions will be allocated to New York City.

PRESENT VALUE OF BENEFITS: The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES
as of June 30, 2024 ($ in Millions)

Present Value (PV)	NYCERS	POLICE	FIRE
(1) PV of Employer Contributions:	6.5	143.3	44.8
(2) PV of Employee Contributions:	0.0	0.0	0.0
Total PV of Benefits (1) + (2):	6.5	143.3	44.8

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL for active members were amortized over the expected remaining working lifetime of those impacted using level dollar payments. UAL attributable to inactive members was recognized in the first year.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	POLICE	FIRE
Increase (Decrease) in UAL:	0.4 M	97.6 M	19.7 M
Number of Payments:	12	12	13
Amortization Payment:	0.1 M	2.3 M	2.4 M
Additional One-time Payment:	0.0 M	88.8 M	0.0 M

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the impacted population is summarized below.

	NYCERS	POLICE	FIRE
Active Members			
- Number Count:	18,413	33,803	10,691
- Average Age:	41.9	37.5	40.7
- Average Service:	11.3	11.1	13.7
- Average Salary:	108,600	134,900	143,400
Receiving Members			
- Number Count:	0	27	0
- Average Age of Youngest Child:	N/A	21.6	N/A

IMPACT ON SURVIVOR BENEFITS: The accidental death benefits payable to surviving beneficiaries of NYCERS, POLICE, and FIRE members who were employed in certain uniformed positions are made up of accidental death benefits and, if eligible, Special Accidental Death Benefits (SADB) under General Municipal Law section 208-f, totaling approximately 100% of the member's salary and is assumed to increase by 3% each year.

Currently, SADB is payable to surviving spouses for their lifetime, then to children until age 18, or age 23 if a student, and then to surviving parents for their lifetime. If there are no beneficiaries in a class, benefits are paid to each successive class. In the event that there is more than one eligible beneficiary in a class (e.g., multiple children), benefits are divided among members of that class.

Under the proposed legislation, for member deaths on or after the effective date, SADB would be payable to surviving spouses for their lifetime, then to any children who were under age 25 at the time of death for their lifetime, and then to surviving parents for their lifetime.

For member deaths prior to the effective date, lifetime SADB benefits would be extended to surviving children of POLICE members who were under age 21 at the time of death, if they are under age 30 upon application, and provided that no spouse or parent is currently in receipt of the SADB benefit. To the extent that benefits would be reduced for other beneficiaries, consent from affected beneficiaries would be required before such benefits would be paid.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

* Upon accidental death, 50% of active members are assumed to be survived by a spouse and children, 25% are assumed to be survived by parents and children with no spouse, and the remaining 25% are assumed to have no children.
* For purposes of estimating the demographics of surviving children, members are assumed to have their first child at age 25, second child at age 30, and third child at age 35.
* For purposes of estimating the demographics of surviving parents, parents are assumed to be 30 years older than the member at time of death.
* 50% of deceased members with child beneficiaries currently in-receipt are assumed to have parents who are still alive.
* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demo-

graphics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS, but do not believe it impairs our objectivity, and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2025-79 dated June 9, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.