STATE OF NEW YORK

8879--A

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to providing a heart disease presumption for certain New York police department traffic enforcement agents

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

Section 1. The retirement and social security law is amended by adding a new section 607-i to read as follows:

§ 607-i. Disabilities; health presumption. a. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the heart resulting in total or partial disability or death to a member in the employ of the city of New York police department in the titles of traffic enforcement agent I or traffic enforcement agent II, where such member successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

b. Notwithstanding the provisions of any general, special, or local law or the administrative code to the contrary, a member employed by the city of New York police department as a traffic enforcement agent I or traffic enforcement agent II who shall be retired pursuant to subdivision a of this section shall receive a pension equal to three-quarters of such member's final average salary.

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

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§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the city of New York.

§ 3. Notwithstanding any provision of law to the contrary, none of the provisions of this act shall be subject to the appropriation requirement of section twenty-five of this chapter.

§ 4. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would provide Tier 4 and Tier 6 Traffic Enforcement Agents with a rebuttable statutory presumption that a qualifying disability or death related to heart disease was incurred in the performance of duty and provide a performance of duty disability benefit equal to 75% of Final Average Salary.

ILLUSTRATION-INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

	One Incident		One Incident Per Year	
Year	Disability	Death	Disability	Death
2027	40	26	40	26
2028	40	26	81	53
2029	40	26	123	81
2030	40	26	167	109
2031	40	26	212	138
2032	40	26	258	169
2033	40	26	305	200
2034	40	26	354	232
2035	40	26	405	265
2036	40	26	457	299
2037	40	26	510	334
2038	40	26	566	370
2039	40	26	622	407
2040	40	26	681	445
2041	0	0	701	459
2042	0	0	722	473
2043	0	0	744	487
2044	0	0	766	501
2045	0	0	789	516
2046	0	0	813	532
2047	0	0	837	548
2048	0	0	862	564
2049	0	0	888	581
2050	0	0	915	599
2051	0	0	942	617

Employer contribution impact beyond Fiscal Year 2051 is not shown.

The potential increases 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, 2025 ($ in Thousands)

Present Value (PV)	Per Disability	Per Death
(1) PV of Employer Contributions:	337	220
(2) PV of Employee Contributions:	(11)	0
Total PV of Benefits (1) + (2):	326	220

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL per incident would be recognized as ongoing gain/loss.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Disability	Per Death
Increase (Decrease) in UAL:	337 K	220 K
Number of Payments:	14	14
Amortization Payment:	40 K	26 K

CENSUS DATA: The number of members who will benefit in the future from this proposed legislation is unknown. The estimates presented herein are based on preliminary census data collected as of June 30, 2025. The census data for the potentially impacted population used to develop the average costs is summarized below.

	NYCERS
Active Members	
- Number Count:	2,263
- Average Age:	47.7
- Average Service:	10.0
- Average Salary:	57,800

IMPACT ON MEMBER BENEFITS: Currently, active Tier 4 or Tier 6 members who are employed as Traffic Enforcement Agents and become disabled due to heart disease would generally be eligible for an applicable ordinary disability retirement after attaining 10 years of service. The disability benefit is a lifetime payment equal to the greatest of 1/3 of Final Average Salary (FAS), 1/60th of FAS times service, or the service retirement benefit, if eligible.

Under the proposed legislation, the performance of duty disability benefit for Tier 4 or Tier 6 Traffic Enforcement Agent members who are disabled from heart disease would be equal to 75% of FAS without an offset for Workers' Compensation.

The ordinary death benefit for Traffic Enforcement Agents is a lump sum payment generally equal to three times the member's salary, plus a refund of member contributions. The performance of duty death benefit would generally be equal to a lifetime benefit of 50% of a member's wages earned during their last year of service, payable to certain beneficiaries.

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

The number of members who will benefit from this proposed legislation is unknown. The cost of this proposed legislation could vary greatly depending on the number of future members who benefit and on their length of service, age, and salary history. In particular, the increase would be greater for a member who is not yet eligible for an ordinary disability benefit when disabled.

The estimated financial impact for disabled members has been calculated assuming 50% would have retired under the current ordinary disability benefit, and 50% would have continued working if the proposed legislation were not passed.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics 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 2026-61 dated April 14, 2026 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2026 Legislative Session.