STATE OF NEW YORK

3815--C

2025-2026 Regular Sessions

IN SENATE

January 30, 2025

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to special accidental death benefits paid to a deceased member's children

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 151 of the laws of 2025 and subdivision f as amended by chapter 782 of the laws of 2022, are amended and a new subdivision a-1 is added to read as follows:

Notwithstanding any other provision of law, the special accidental death benefit provided by this section shall be paid to**: (1)** the [~~**widow or widower**~~] **surviving spouse;** or **(2)** 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 has died, or to**~~] **or as otherwise provided pursuant to subdivision a-1 of this section, if the member has no surviving spouse; or (3)** 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, **or as otherwise provided pursuant to subdivision a-1 of this section,** of: (i) a deceased member of a pension or retirement system of a police department or paid

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

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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 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:

a-1. Notwithstanding any other provision of law, for the purposes of this section, where the deceased member is covered by the provisions of this section and was a member of a pension or retirement system covering members or employees within the city of New York, and where the special accidental death benefit is paid to the deceased member's children if the deceased member has no surviving spouse, such benefit shall be paid to the deceased member's children under the age of twenty-six; provided, however, such benefit shall continue to be paid to children after the age of twenty-six until such time that the youngest child reaches the age of twenty-six, where upon such time the benefit shall end for all the deceased member's children.

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 has died~~] or a student under the age of twenty-three, or as otherwise provided pursuant to subdivision a-1 of this section, if the member has no surviving spouse, 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, or as otherwise provided pursuant to subdivision a-1 of this section, on account of the death of the deceased member:

Commencing July first, two thousand twenty-five 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, or as otherwise provided pursuant to subdivision a-1 of this section, if the member has no surviving spouse, [~~if the widow or widower has died,~~] 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, or as otherwise provided pursuant to subdivision a-1 of this section,

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~~] of the deceased member's children shall have attained age eighteen or, if students, shall have attained the age of twenty-three, or as otherwise provided pursuant to subdivision a-1 of this section, or sooner die, then to

2. [~~His or her~~] The child or children under age eighteen, or, if students, under age twenty-three, or as otherwise provided pursuant to subdivision a-1 of this section, of the deceased member, 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, or as otherwise provided pursuant to subdivision a-1 of this section, 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. a. 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 26 when the death of the member occurred, where such member died before the effective date of this act, and where such deceased member has children currently under the age of twenty-six, shall be eligible to receive such benefit if such individual files an application with the applicable pension fund within one year following the effective date of this act.

b. Any application received for such benefit which reduces the benefit of one or more beneficiaries shall not be accepted unless each such beneficiary has affirmatively consented to a reduction of benefits in the manner and form prescribed by the applicable pension fund. No such benefits shall be paid retroactively.

c. No individual shall be eligible under this section if: (a) all of the deceased member's children have reached the age of twenty-six at the time of application; or (b) the current beneficiary is the surviving spouse or the parent or parents of such deceased member who died before the effective date of this act.

§ 3. 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.

§ 4. This act shall take effect immediately.

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, to all children under age 26 at the time of the member's death until the youngest child reaches age 26.

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

Year	NYCERS	POLICE	FIRE	TOTAL
2027	17	5,704	2,509	8,230
2028	17	167	93	277
2029	17	170	94	281
2030	17	173	95	285
2031	18	177	97	292
2032	18	180	98	296
2033	18	183	99	300
2034	19	187	101	307
2035	19	190	102	311
2036	19	194	104	317
2037	20	197	105	322
2038	20	201	107	328
2039	21	155	109	285
2040	22	158	71	251
2041	22	161	73	256
2042	22	164	75	261
2043	22	167	77	266
2044	23	170	79	272
2045	23	173	81	277
2046	23	176	83	282
2047	24	180	85	289
2048	24	183	87	294
2049	24	185	89	298
2050	25	188	91	304
2051	25	191	93	309

Projected contributions include future new hires that may be impacted. For Fiscal Year 2052 and beyond, the expected increase in normal cost as a level percent of pay for impacted new entrants is approximately 0.0005% for NYCERS, 0.0016% for POLICE, and 0.0023% 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, 2025 ($ in Thousands)

Present Value (PV)	NYCERS	POLICE	FIRE
(1) PV of Employer Contributions:	157	6,613	3,060
(2) PV of Employee Contributions:	0	0	0
Total PV of Benefits			

(1) + (2):	157	6,613	3,060

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:	(6) K	5,382 K	2,500 K
Number of Payments:	12	12	13
Amortization Payment:	(1) K	49 K	39 K
Additional One-time Payment:	0 K	5,539 K	2,416 K

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2025. The census data for the impacted population is summarized below.

	NYCERS	POLICE	FIRE
Active Members			
- Number Count:	17,985	33,950	11,178
- Average Age:	42.1	37.1	40.3
- Average Service:	11.5	10.6	13.1
- Average Salary:	110,900	134,100	141,300
Receiving Members			
- Number Count:	0	20	8
- Average Age of Youngest Child:	N/A	20.3	21.6

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 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 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 all children who were under age 26 at the time of death until the youngest child attains age 26, and then to surviving parents for their lifetime.

For member deaths prior to the effective date, SADB benefits would be extended to all surviving children who were under age 26 at the time of death until the youngest child reaches age 26, provided that at least one eligible child is under age 26 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, 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 2026-79 dated May 7, 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.