STATE OF NEW YORK

6404

2025-2026 Regular Sessions

IN SENATE

March 13, 2025

Introduced by Sen. JACKSON -- 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 a lung disease presumption for correction officers, correction supervisors, deputy sheriff patrol or deputy sheriff patrol supervisors

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 63-j to read as follows:

§ 63-j. Disability benefits; certain disabilities. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any member who is a correction officer, correction supervisor, deputy sheriff patrol or deputy sheriff patrol supervisor who is a member of the New York state and local employees' retirement system and contracts any condition of impairment of health caused by diseases of the lung, resulting in disability or death to such correction officer, correction supervisor, deputy sheriff patrol or deputy sheriff patrol supervisor, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that such disability was incurred in the performance and discharge of duty and the natural and proximate result of an accident, unless the contrary be proved by competent evidence; provided, however, that prior to entry into service, such correction officer, correction supervisor, deputy sheriff patrol or deputy sheriff patrol supervisor successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the lung.

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

§ 605-h. Disability benefits; certain disabilities. Notwithstanding any provision of this chapter or of any general, special or local law to

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

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the contrary, any member who is a correction officer, correction supervisor, deputy sheriff patrol or deputy sheriff patrol supervisor who is a member of the New York state and local employees' retirement system and contracts any condition of impairment of health caused by diseases of the lung, resulting in disability or death to such correction officer, correction supervisor, deputy sheriff patrol or deputy sheriff patrol supervisor, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that such disability was incurred in the performance and discharge of duty and the natural and proximate result of an accident, unless the contrary be proved by competent evidence; provided, however, that prior to entry into service, such correction officer, correction supervisor, deputy sheriff patrol or deputy sheriff patrol supervisor successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the lung.

§ 3. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 4. This act shall take effect immediately.

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

This bill would add Sections 63-j and 605-h of the Retirement and Social Security Law (RSSL) to provide an accidental disability presumption to certain members of the New York State and Local EmployeesÆ Retirement System (NYSLERS) employed as correction officers, correction supervisors, deputy sheriff patrol, or deputy sheriff patrol supervisors who contract any condition of impairment of health caused by diseases of the lung, resulting in disability or death. For members in Tiers 1 and 2, the annual benefit would be 3/4 of final average salary (FAS) less Workers' Compensation. For members in Tiers 3-6 who are covered under the provisions of Article 14-B of the RSSL, the annual benefit would be 2/3 of FAS less Workers' Compensation. For all other affected members in Tiers 3-6, the annual benefit would be 1/3 of FAS.

The provisions of Section 25 of the RSSL shall not apply.

Insofar as this bill affects NYSLERS, if this legislation is enacted during the 2025 Legislative Session, it would likely lead to more disabilities being classified as "accidental." The cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and any benefit type otherwise payable, but is expected to average:

Benefit prior to enactment	None	Ordinary Disab.	Perf. of Duty	Service Retirement	Ordinary Death
NYSLERS cost of proposal:	10 times salary	5.5 times salary	3 times salary	2 times salary	4.5 times salary

Further, we anticipate that there could be some administrative costs to implement the provisions of this legislation.

The number of members who could be affected by this legislation cannot be readily determined. All costs arising from this bill would be shared by the State of New York and all the participating employers in the NYSLERS.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the

2024 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The Market Assets and GASB Disclosures are found in the March 31, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 6, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-43. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.