

STATE OF NEW YORK

8058--B

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Civil Service and Pensions 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 retirement and social security law, in relation to disability retirement benefits for the presumption of cancer affecting the endocrine and thyroid systems and Parkinson's Disease for certain firefighters

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

1 Section 1. Section 63-h of the retirement and social security law, as
2 added by chapter 533 of the laws of 2021, is amended to read as follows:
3 § 63-h. Certain impairments of health; presumption. a. Any member of
4 the retirement system employed by the division of military and naval
5 affairs shall be eligible to retire pursuant to the provisions of this
6 section if [~~he or she~~] such member is an airport firefighter apprentice,
7 airport firefighter I, airport firefighter II, airport firefighter III
8 or training and safety officer.
9 b. Notwithstanding any provision of this chapter or of any general or
10 special law to the contrary, any condition of impairment of health
11 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)
12 condition of cancer affecting the lymphatic, digestive, hematological,
13 urinary, neurological, breast, reproductive, endocrine, thyroid, or
14 prostate systems resulting in disability to a member covered by this
15 section, presently employed, who successfully passed a physical examina-
16 tion on entry into service as an airport firefighter apprentice, airport
17 firefighter I, airport firefighter II, airport firefighter III or train-
18 ing and safety officer which examination failed to reveal evidence of

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

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1 any disease or other impairment of the heart or such melanoma or condi-
2 tion, shall be presumptive evidence that it was incurred in the perform-
3 ance and discharge of duty, unless the contrary be proven by competent
4 evidence and shall be paid a performance of duty disability retirement
5 allowance equal to that which is provided in section sixty-three of this
6 title, subject to the provisions of section sixty-four of this title.

7 c. Notwithstanding any provision of this chapter or of any general or
8 special law to the contrary, any condition of impairment of health
9 caused by diseases of the lung, resulting in disability to a member
10 covered by this section, presently employed, who successfully passed a
11 physical examination on entry into service as an airport firefighter
12 apprentice, airport firefighter I, airport firefighter II, airport fire-
13 fighter III or training and safety officer, which examination failed to
14 disclose evidence of any disease or other impairment of the lung, shall
15 be presumptive evidence that it was incurred in the performance and
16 discharge of duty, unless the contrary be proven by competent evidence
17 and shall be paid a performance of duty disability retirement allowance
18 equal to that which is provided in section sixty-three of this title,
19 subject to the provisions of section sixty-four of this title.

20 d. Notwithstanding any provision of this chapter or of any general or
21 special law to the contrary, any condition of impairment of health
22 caused by Parkinson's Disease resulting in total or partial disability
23 or death to a member covered by this section, presently employed, who
24 successfully passed a physical examination on entry into service as an
25 airport firefighter apprentice, airport firefighter I, airport fire-
26 fighter II, airport firefighter III or training and safety officer,
27 which examination failed to reveal any evidence of such condition, shall
28 be presumptive evidence that it was incurred in the performance and
29 discharge of duty, unless the contrary be proven by competent evidence
30 and shall be paid a performance of duty disability retirement allowance
31 equal to that which is provided in section sixty-three of this title,
32 subject to the provisions of section sixty-four of this title.

33 e. After the filing of an application such member shall be given one
34 or more medical examinations. If the comptroller determines that the
35 member is physically or mentally incapacitated for the performance of
36 duty and ought to be retired for performance of duty disability, such
37 member shall be so retired. Such retirement shall be effective as of a
38 date approved by the comptroller.

39 ~~e.~~ f. If the member, at the time of the filing of such application,
40 is eligible for a service retirement benefit, then and in that event,
41 such member may simultaneously file an application for service retire-
42 ment, provided that the member indicates on the application for service
43 retirement that such application is filed without prejudice to the
44 application for performance of duty disability retirement.

45 § 2. Section 607-k of the retirement and social security law, as added
46 by chapter 533 of the laws of 2021, is amended to read as follows:

47 § 607-k. Certain impairments of health; presumption. a. Any member of
48 the retirement system employed by the division of military and naval
49 affairs shall be eligible to retire pursuant to the provisions of this
50 section if ~~he or she~~ such member is an airport firefighter apprentice,
51 airport firefighter I, airport firefighter II, airport firefighter III
52 or training and safety officer.

53 b. Notwithstanding any provision of this chapter or of any general or
54 special law to the contrary, any condition of impairment of health
55 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)
56 condition of cancer affecting the lymphatic, digestive, hematological,

1 urinary, neurological, breast, reproductive, endocrine, thyroid, or
2 prostate systems resulting in disability to a member covered by this
3 section, presently employed, who successfully passed a physical examina-
4 tion on entry into service as an airport firefighter apprentice, airport
5 firefighter I, airport firefighter II, airport firefighter III or train-
6 ing and safety officer which examination failed to reveal evidence of
7 any disease or other impairment of the heart or such melanoma or condi-
8 tion, shall be presumptive evidence that it was incurred in the perform-
9 ance and discharge of duty, unless the contrary be proven by competent
10 evidence and shall be paid a performance of duty disability retirement
11 allowance equal to that which is provided in section sixty-three of this
12 chapter, subject to the provisions of sections sixty-three and sixty-
13 four of this chapter.

14 c. Notwithstanding any provision of this chapter or of any general or
15 special law to the contrary, any condition of impairment of health
16 caused by diseases of the lung, resulting in disability to a member
17 covered by this section, presently employed, who successfully passed a
18 physical examination on entry into service as an airport firefighter
19 apprentice, airport firefighter I, airport firefighter II, airport fire-
20 fighter III or training and safety officer, which examination failed to
21 disclose evidence of any disease or other impairment of the lung, shall
22 be presumptive evidence that it was incurred in the performance and
23 discharge of duty, unless the contrary be proven by competent evidence
24 and shall be paid a performance of duty disability retirement allowance
25 equal to that which is provided in section sixty-three of this chapter,
26 subject to the provisions of section sixty-four of this chapter.

27 d. Notwithstanding any provision of this chapter or of any general or
28 special law to the contrary, any condition of impairment of health
29 caused by Parkinson's Disease resulting in total or partial disability
30 or death to a member covered by this section, presently employed, who
31 successfully passed a physical examination on entry into service as an
32 airport firefighter apprentice, airport firefighter I, airport fire-
33 fighter II, airport firefighter III or training and safety officer,
34 which examination failed to reveal any evidence of such condition, shall
35 be presumptive evidence that it was incurred in the performance and
36 discharge of duty, unless the contrary be proven by competent evidence
37 and shall be paid a performance of duty disability retirement allowance
38 equal to that which is provided in section sixty-three of this chapter,
39 subject to the provisions of section sixty-four of this chapter.

40 e. After the filing of an application such member shall be given one
41 or more medical examinations. If the comptroller determines that the
42 member is physically or mentally incapacitated for the performance of
43 duty and ought to be retired for performance of duty disability, such
44 member shall be so retired. Such retirement shall be effective as of a
45 date approved by the comptroller.

46 [e-] f. If the member, at the time of the filing of such application,
47 is eligible for a service retirement benefit, then and in that event,
48 such member may simultaneously file an application for service retire-
49 ment, provided that the member indicates on the application for service
50 retirement that such application is filed without prejudice to the
51 application for performance of duty disability retirement.

52 § 3. This act shall take effect immediately.

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

This bill would provide a performance of duty disability presumption to members of the New York State and Local Employees' Retirement System (NYSLERS) employed by the Division of Military and Naval Affairs in

certain airport firefighter titles and who contract endocrine/thyroid cancer or Parkinson's disease. The retirement benefit will be equal to 75 percent of final average salary less workers' compensation.

This bill will not materially increase the state of New York's annual contributions.

In addition, there will be an immediate past service cost of \$67,900 borne by the state of New York as a one-time payment. This cost assumes that payment will be made on March 1, 2027.

Further, we anticipate some administrative costs to implement the provisions of this legislation.

These estimated costs are based on 66 affected members employed by the Division of Military and Naval Affairs, with annual salary of approximately 6.0 million as of March 31, 2025.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

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

This estimate, dated March 23, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-96. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), 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. I am a member of NYSLRS but do not believe it impairs my objectivity.