STATE OF NEW YORK

10172

IN ASSEMBLY

February 12, 2026

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

AN ACT to amend the retirement and social security law, in relation to providing a disability presumption to members of public retirement systems

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 810 to read as follows:

§ 810. Disability presumption. Notwithstanding any other law, rule or regulation to the contrary, a member of a public retirement system as defined by subdivision a of section eight hundred of this article who has been determined to have a permanent partial disability by the workers' compensation board of the state of New York, or who the United States social security administration has determined is disabled for substantial gainful activity, and approved for social security disability benefits, shall be deemed to be disabled for the purposes of eligibility for disability benefits of such public retirement system.

§ 2. This act shall take effect immediately.

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

Bill Description:

This fiscal note is prepared for legislative bill draft S.8052. This bill would add a section 810 to the Retirement and Social Security Law that would deem any member determined to have a permanent partial disability by the New York State Workers' Compensation Board, or determined to be disabled for substantial gainful activity and eligible for Social Security Disability benefits by the United States Social Security Administration, to be eligible for disability benefits from the New York State Teachers' Retirement System (NYSTRS). Current statute, section 605 of the Retirement and Social Security Law, requires that a member be physically or mentally incapacitated for the performance of gainful employment to qualify for a disability benefit. The statute empowers NYSTRS to make that determination and to that end, NYSTRS has a Medical

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

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Board of board-certified physicians that meets monthly to review disability applications and medical files.

Cost:

The overall cost to the participating employers of the New York State Teachers' Retirement System cannot be readily determined as the ultimate number of disability retirements granted under this definition cannot be determined at this time.

The System's average cost per individual member impacted is estimated as follows:

Member Age	Disability Benefit
30	$280,000 (4.5 times salary)
40	$350,000 (4.2 times salary)
50	$400,000 (3.8 times salary)

The actual cost per member would depend on the member's age, tier, years of service, and salary. The costs above are determined based on averages, so the actual cost for a member could be higher or lower.

Data:

Member data as of June 30, 2025, prepared for the most recent actuarial valuation was used in determining this cost. The most recent data distributions and statistics can be found in the System's Annual Report for the fiscal year ended June 30, 2025. System assets are as reported in the System's financial statements which can be found in the System's Annual Report. This data will also be provided in the System's Actuarial Valuation Report as of June 30, 2025.

Methods and Assumptions:

A summary of actuarial assumptions and methods will be provided in the System's Actuarial Valuation Report as of June 30, 2025. Further details can be found in the most recent Recommended Actuarial Assumptions 2025 Report.

Actuarial Certification:

We, the undersigned actuaries for the New York State Teachers' Retirement System, certify the following:

1. The actuarial assumptions, methods, and data used are reasonable for the purposes of this fiscal note, internally consistent and are in accordance with standards of practice prescribed by the Actuarial Standards Board and generally accepted actuarial principles and procedures.

2. We relied on member data supplied by the participating employers of the New York State Teachers' Retirement System and assets as supplied in the annual Financial Statements by NYSTRS' Finance Department.

3. Results were prepared based on our current understanding of the proposal as of the date of this fiscal note. If the language or our understanding of the proposal changes, the results could change and require the issuance of a new fiscal note. The next annual update of the actuarial valuation could also produce different results. Results should not be relied upon for any other purpose.

4. This fiscal note was prepared in accordance with New York State Retirement and Social Security Law, New York State Education Law, applicable Internal Revenue Code, and accepted actuarial standards of practice as of the date of this fiscal note. This fiscal note does not constitute a legal opinion on the viability of this legislative proposal.

5. We are members of the American Academy of Actuaries and the Society of Actuaries, and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

We are currently compliant with the Continuing Professional Development Requirement of the Society of Actuaries.

Fiscal Note Identification:

This Fiscal Note, 2026-10 dated January 29, 2026, was prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2026 Legislative Session.