STATE OF NEW YORK

7541

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

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

AN ACT to provide certain enhanced disability retirement benefits for Kyle Brower relating to participation in World Trade Center rescue, recovery, or cleanup operations

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

Section 1. Notwithstanding any other law, rule or regulation to the contrary, Kyle Brower, a retired member of the New York state teachers' retirement system who participated in World Trade Center rescue, recovery, or cleanup operations, as such participation is defined in section 2 of the retirement and social security law, who incurred a qualifying World Trade Center condition, as defined in such section, that is determined to have been incurred in the performance and discharge of duty and is the natural and proximate result of an accident not caused by such member's own willful negligence, and who retired for disability in 2013, shall be paid a performance of duty disability retirement allowance equal to three-quarters of final average salary and shall have his retirement benefit recalculated as of 2013 if he shall file a written request to that effect with the head of the New York state teachers' retirement system within one year of the effective date of this act. The payment of such pension shall be subject to the provisions of section 64 of the retirement and social security law.

§ 2. 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.

§ 3. This act shall take effect immediately.

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

This bill would allow Kyle Brower, a retired member of the New York State Teachers' Retirement System who has a qualifying World Trade Center condition, to receive a performance of duty disability retirement

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

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benefit equal to three-quarters of final average salary, instead of the ordinary disability benefit he has been receiving. Mr. Brower's pension would be recalculated prospectively and with retroactive adjustment to payments made since his date of retirement of July 9, 2013. Mr. Brower must file a written request with the head of the New York State Teachers' Retirement System within one year of the effective date of this bill.

The cost of this benefit is equal to the increase in the present value of liabilities, which is estimated to be $937,000. This cost would be borne by the employers of members of the New York State Teachers' Retirement System.

Member data is from the System's most recent actuarial valuation files as of June 30, 2024, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2024. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods will be provided in the System's Actuarial Valuation Report as of June 30, 2024.

The source of this estimate is Fiscal Note 2025-15 dated March 24, 2025 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2025 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.