STATE OF NEW YORK

8737

2025-2026 Regular Sessions

IN ASSEMBLY

June 2, 2025

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 and the general municipal law, in relation to accidental disability benefits for certain deputy sheriff members in the sheriff's department of a city with a population of one million or more

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 607-m to read as follows:

§ 607-m. Performance of duty disability retirement. a. Any member of the New York city employees' retirement system who is employed by the city of New York as a deputy sheriff, and who becomes physically or mentally incapacitated as the natural and proximate result of an injury, as described in subdivision b of this section, sustained in the performance or discharge of such member's duties, shall be paid a performance of duty disability retirement allowance equal to three-quarters of final average salary, subject to section 13-176 of the administrative code of the city of New York.

b. Notwithstanding any provision of this chapter or of any general or special law to the contrary, for purposes of this section, a member covered by this section is injured when such member contracts HIV (where the member may have been exposed to a bodily fluid of a person under such member's care or treatment, or while such member examined, transported or otherwise had contact with such person, in the performance of such member's duties), tuberculosis or hepatitis, will be presumed to have contracted such disease in the performance or discharge of such member's duties, unless the contrary be proved by competent evidence.

§ 2. The general municipal law is amended by adding a new section 207-r to read as follows:

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

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§ 207-r. Performance of duty disability retirement; New York city deputy sheriffs. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, a member who is a deputy sheriff in the sheriff's department of a city with a population of one million or more where such employees are drawn from competitive civil service lists and who in performance of such member's duties contracts human immunodeficiency virus (HIV) (where such member may have been exposed to a bodily fluid of a person under such member's care or treatment, or while such member examined, transported, rescued or otherwise had contact with such person, in the performance of such member's duties), tuberculosis or hepatitis shall be presumed to have contracted such disease as a natural and proximate result of an accidental injury received in the performance or discharge of such member's duties, and not resulting from such member's willful negligence, unless the contrary be proved by competent evidence.

§ 3. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would provide to NYCERS Tier 4 and Tier 6 Deputy Sheriffs a rebuttable statutory presumption that a qualifying disability or death related to HIV, Tuberculosis, and Hepatitis was incurred in the performance of duty and provide a performance of duty disability benefit equal to 75% of the member's Final Average Salary.

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

	One Incident		One Incident Per Year	
Year	Disability	Death	Disability	Death
2026	55	187	55	187
2027	55	187	112	379
2028	55	187	171	577
2029	55	187	231	780
2030	55	187	293	990
2031	55	187	357	1,207
2032	55	187	423	1,429
2033	55	187	491	1,659
2034	55	187	561	1,895
2035	55	187	633	2,138
2036	55	187	707	2,389
2037	55	187	784	2,647
2038	55	187	863	2,913
2039	55	187	944	3,187
2040	0	0	972	3,283
2041	0	0	1,001	3,381
2042	0	0	1,031	3,483
2043	0	0	1,062	3,587
2044	0	0	1,094	3,695
2045	0	0	1,127	3,805
2046	0	0	1,161	3,920
2047	0	0	1,196	4,037
2048	0	0	1,231	4,158
2049	0	0	1,268	4,283
2050	0	0	1,306	4,412

Employer contribution impact beyond Fiscal Year 2050 is not shown.

The potential increases 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, 2024 ($ in Thousands)

Present Value (PV)	Per Disability	Per Death
(1) PV of Employer Contributions:	467	1,577
(2) PV of Employee Contributions:	(48)	0
Total PV of Benefits (1) + (2):	419	1,577

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL per incident would be recognized as ongoing gain/loss.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Disability	Per Death
Increase (Decrease) in UAL:	467 K	1,577 K
Number of Payments:	14	14
Amortization Payment:	55 K	187 K

CENSUS DATA: The number of members who will benefit in the future from this proposed legislation is unknown. The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the potentially impacted population used to develop the average costs is summarized below.

	NYCERS
Active Members	
- Number Count:	132
- Average Age:	43.5
- Average Service:	11.9
- Average Salary:	94,600

IMPACT ON MEMBER BENEFITS: Currently, active Tier 4 or Tier 6 members of NYCERS who are employed as Deputy Sheriffs and become disabled due to HIV, Tuberculosis, or Hepatitis would generally be eligible for an applicable ordinary disability retirement after attaining 10 years of service. The disability benefit is a lifetime payment equal to the greatest of 1/3 of Final Average Salary (FAS), 1/60th of FAS times service, or the service retirement benefit, if eligible.

Under the proposed legislation, the performance of duty disability benefit for Tier 4 or Tier 6 Deputy Sheriff members who are disabled from HIV, Tuberculosis, or Hepatitis would be equal to 75% of FAS with an offset for Workers' Compensation.

The ordinary death benefit for NYCERS Deputy Sheriffs is a lump sum payment generally equal to three times the member's salary, plus a refund of member contributions.

The performance of duty death benefit would generally be equal to a lifetime benefit of 50% of a member's wages earned during their last year of service, plus, if applicable, the Special Accidental Death Benefit (SADB) payable under General Municipal Law section 208-f.

SADB for Deputy Sheriffs was enacted by Chapter 720 of the Laws of 2023 and all accidental deaths are assumed to qualify for SADB.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

The number of members who will benefit from this proposed legislation is unknown. The cost of this proposed legislation could vary greatly depending on the number of future members who benefit and on their length of service, age, and salary history. In particular, the increase would be greater for a member who is not yet eligible for an ordinary disability benefit when disabled.

The estimated financial impact for disabled members has been calculated assuming 50% would have retired under the current ordinary disability benefit, and 50% would have continued working if the proposed legislation were not passed.

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 2025-66 dated May 20, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.