STATE OF NEW YORK

8052

2025-2026 Regular Sessions

IN SENATE

May 15, 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 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:

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.

LBD11399-03-5

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

The overall cost of this bill cannot be readily determined as the ultimate number of disability retirements granted under this definition cannot be determined at this time.

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

Member Age	Disability Benefit
30	$260,000 (4.3 times salary)
40	$320,000 (4.0 times salary)
50	$380,000 (3.6 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.

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 2025-20 dated April 30, 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.