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 T H E C O U N C I L

REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION

JEFF BAKER, LEGISLATIVE DIRECTOR

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COMMITTEE ON STATE AND FEDERAL LEGISLATION

#### Hon. Alan Maisel, Chair

May 27, 2021

**By: Council Member Maisel**

**Preconsidered SLR 1: S.6972 (Gounardes)**

**A.7817 (Abbate)**

**TITLE:** AN ACT to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases.

**BACKGROUND:**

The bill would provide a statutory presumption to Tier 1 and Tier 2 members of the New York City Employees' Retirement System (NYCERS) who are Transit Authority employees, and who become physically incapacitated for performance of duty, or die, due to lung disease. In determining whether qualifying lung disease was caused by employment for the Transit Authority, the diagnosis of lung disease, absent evidence of such condition upon examination at hire, would be presumptive evidence that such disability or death was incurred in the performance and discharge of duty entitling such member, or his or her beneficiary, respectively, to an accident disability retirement or accidental death benefit.

There are eight active Tier 1 and Tier 2 Transit Authority employees who participate in NYCERS as of June 30, 2020 who could potentially benefit from the proposed legislation.

**PROPOSED LEGISLATION:**

Section one of this bill amends the Administrative Code of the City of New York to add a new Section 13-168.1 to provide a statutory presumption to Tier 1 and Tier 2 members of NYCERS who are Transit Authority employees, and who become physically incapacitated for performance of duty, or die, due to lung disease.

Section two states that the law takes effect immediately.

**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately.