



Legislation Text

File #: Res 1148-2005, **Version:** A

Res. No. 1148-A

Resolution calling upon the State Legislature and the Governor to enact legislation amending the Retirement and Social Security Law to allow members of New York City's five pension systems on military leave and serving in Afghanistan and Iraq, and who are disabled as the natural and proximate result of an accident sustained in such service, to qualify for accidental disability benefits equal to three-quarters of their City salary.

By The Speaker (Council Member Miller) and Council Members Barron, Brewer, Comrie, Fidler, Gennaro, Gentile, Gerson, Gonzalez, Liu, Nelson, Sanders Jr., Sears, Vann, Weprin, Addabbo, Jackson and The Public Advocate (Ms. Gotbaum)

Whereas, According to the Mayor's Office of Veterans Affairs ("MOVA"), as many as 11,000 New York City residents have served in the military the last three years, with most believed to have been assigned to service in the current wars in Iraq and Afghanistan; and

Whereas, According to the Administration, approximately 1,500 City employees have been called to active duty since September 11, 2001; and

Whereas, According to news reports from mainstream media sources such as the *New York Times* and Associated Press, the United States Veterans Administration has dramatically underestimated the number of veterans nationwide who will need medical care, with around 100,000 veterans now being estimated to need such care, instead of the 23,553 veterans for whom medical care was originally budgeted; and

Whereas, In light of a July 2005 study commissioned by the United States military and undertaken by the Institute of Medicine of the National Academies, veterans may be exposed to chemical agents that leave them susceptible to conditions like cancer that may be diagnosed after many years; and

Whereas, Veterans returning to New York City may face particular difficulties readjusting to civilian life, compounded by, according to *Crains New York Business*, the noise, intensity and isolation of life in the City; and

Whereas, The City of New York has particular responsibility to support employees of the City who are serving in active combat; and

Whereas, State Law has recently been amended to grant accidental death benefits to City employees killed while serving on active duty; and

Whereas, Current pension provisions do not appear to provide benefits for City employees who may not be able to work on an on-going basis due to their service-related injuries; and

Whereas, It is both inconsistent and unfair to fail to provide pension benefits to those City employees serving on active duty who are disabled rather than killed while serving their Country; and

Whereas, Pursuant to the Retirement and Social Security Law, members of specified retirement systems in active service to New York City who are determined to be eligible for primary social security disability benefits and are disabled as the natural and proximate result of an accident sustained in such active service and not caused by such member's own willful negligence are entitled to an accidental disability benefit pension determined by law; and

Whereas, The highest such accidental disability benefit pension currently available is payable to uniformed City employees disabled in an accident sustained in City service and is equal to three-quarters of their final average salary; and

Whereas, New York State Senate bill number S.5700, introduced by Senator Onorato on June 15, 2005, would, according to the sponsor's memorandum in support, provide expanded benefits to New York's military personnel and their families by providing accidental disability benefits and health insurance coverage to public employees who become permanently disabled while on active duty in the armed forces; and

Whereas, Assembly Member Pheffer is in the process of introducing similar legislation in the New York State Assembly; and

Whereas, Military service by New York City employees is of unquantifiable value to New York City and the United States and should be considered service to the City of

New York for which accidental disability benefits are granted; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature and the Governor to enact legislation amending the Retirement and Social Security Law to allow members of New York City's five pension systems on military leave and serving in Afghanistan and Iraq, and who are disabled as the natural and proximate result of an accident sustained in such service, to qualify for accidental disability benefits equal to three-quarters of their City salary.

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