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Proposed Int. No. 1008-A

By Council Members Marte, Morano, Wong, Brewer, Gennaro, Epstein, Lee, Krishnan, Hanif, Wilson, Narcisse, Won, Avilés, J. Sanchez, Felder, Joseph, Cabán, Vernikov, Paladino, Carr and Ariola

A Local Law to amend the administrative code of the city of New York, in relation to protecting the health insurance coverage and contribution for Medicare-eligible retired employees of the city of New York and their Medicare-eligible dependents

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 12-126 of the administrative code of the city of New York, as amended by local law number 9 for the year 2010, is amended to read as follows:

a. Definitions. As used in this section, the following terms shall have the following meanings [hereinafter stated]:

[i. "]City employee.["] The term "city employee" means [A] a person: (1) who is employed by a department or agency of the city; and (2) is paid out of the city treasury; and (3) is employed under terms prescribing a work week regularly consisting of twenty or more hours during the fiscal year; and (4) is not employed by the board of education.

[ii. "]City retiree.["] The term "city retiree" means [A] a person who: (1) is receiving a retirement allowance, pension or other retirement benefit from a retirement or pension system either maintained by the city or to which the city has made contributions on behalf of such person pursuant to subdivision (g) of section 80-a of the retirement and social security law; and (2) immediately prior to such person's retirement as a member of such system, was a city employee, or was an employee of the board of education employed under terms prescribing a work week regularly consisting of twenty or more hours during the fiscal year; and (3) had at the time of retirement, at least five years of credited service as a member of such retirement or pension

system, except that (A) such requirement of credited service shall not apply in cases of retirement for accident disability, (B) the requirement of credited service for vested retirement and service retirement shall be at least ten years for a person who was not an employee of the city or the board of education on or before the effective date of the local law that added this clause, and (C) notwithstanding the provisions of clause (B) of this subparagraph, the requirement of credited service for vested retirement and service retirement shall be at least [fifteen]15 years for a person who was not an employee of the city or the board of education on or before the effective date of the local law that added this clause, is receiving a retirement allowance from the New York city teachers' retirement system or the New York city board of education retirement system, and held a position represented by the recognized teacher organization for collective bargaining purposes on such person's last day of paid service.

[iii. "]Dependent.["] The term "dependent" means [T]the spouse of a city employee or city retiree or any child of a city employee or city retiree during the period of eligibility of such child for coverage under the insurance contract applicable to such employee or retiree; provided, however, that no spouse or child of any such employee or retiree shall be deemed a dependent after the death of such employee or retiree.

Diminish. The term "diminish" means to cause any change in health care offered to city retirees residing anywhere in the United States, including its territories and possessions, that would decrease the level of access to health care than before such change was made. These changes include increasing the total costs for health care paid by each city retiree, including with respect to premiums, deductibles, coinsurance, and copayments, and compelling enrollment in any privatized forms of Medicare or plans with limited provider networks.

[iv. "]Health insurance coverage.["] The term "health insurance coverage" means [A] a program of hospital-surgical-medical benefits to be provided by health and hospitalization insurance contracts entered into between the city and companies providing such health and hospitalization insurance.

§ 2. Section 12-126 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

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e. The city shall not diminish the health insurance coverage provided to Medicare-eligible city retirees and Medicare-eligible dependents or the contributions the city makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such Medicare-eligible city retirees and Medicare-eligible dependents by the city as of December 31, 2021. Nothing in this subdivision shall be construed to impair the ability of employee organizations to negotiate the terms and conditions of employment, including those concerning future retirement benefits, for their employee members.

§ 3. This local law takes effect 120 days after it becomes law.

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