

NY State Assembly Member Carrie Woerner  
198 State Street  
Albany, NY 12248

Dear NY State Assembly Member Carrie Woerner:

As a constituent and a state employee represented by the New York State Correctional Officers & Police Benevolent Association, Inc. (NYSCOPBA) I ask that you include the language contained NYSCOPBA's "Death Gamble" legislation (S8408 Jackson/A9084 Jones) in the final enacted State budget. This legislation would provide the families of employees who are eligible to retire under the Section 89 Retirement Plan (Correction Officers, Correction Sergeants & Security Hospital Treatment Assistants who participate in such plan) and subsequently dies before filing for retirement, with a benefit equal to the value of the employee's pension reserve.

Under existing law, if an employee is eligible for a service-based retirement benefit, but continues working and unexpectedly dies prior to applying for the retirement benefit, his or her beneficiaries would receive a lump sum payment equal to three-times salary, even though a pension would have been payable if the employee had retired on the date immediately preceding his or her death.

NYSCOPBA has been pursuing this specific legislation for many years. Our position has always been that the dedicated law enforcement officers who provide critical services for the benefit of all New Yorkers should know that their families will be justly compensated in the event of an untimely death. The bill would also assist with keeping experienced workers employed to train the new staff entering state service.

As we are all aware, the State's ability to retain our most seasoned and experienced employees has proven to be a very difficult task in recent years. We are seeing many of our colleagues make the choice to leave State service early or they are retiring as soon as they become eligible in an effort to protect the financial interests of their loved ones. By including "Death Gamble" in the budget, the State will ensure that the financial interests of our members' families are protected should they decide to continue to perform dedicated services to the people of the State of New York once they become retirement eligible.

In 2017, 2018, and again in 2023, NYSCOPBA is grateful for the partnership with the Legislature and for passing our "Death Gamble" bill outside of the budget with overwhelming support. Sadly it was met each time with a veto message from the Governor citing the fiscal implications and that it should be considered in the context of the budget. So here we are. With the final budget agreement not in place, you still have the opportunity to assist the families of some of the hardest working people that our state employs.

We are grateful to the Senate Majority for including the language contained in NYSCOPBA's "Death Gamble" in their one-house budget resolution in last month. We urge the members of the Assembly to follow suit. With the Legislature's support we are confident that the Governor will agree to sign a final enacted budget that protects the families of NYSCOPBA members across the State.

Thank you for your consideration.

Sincerely,

Ben Moeller

