

Assembly Member Smullen  
5659 State Route 5 Suites 1-3, Herkimer, NY 13350

Dear Assembly Member Smullen:

As a constituent and a state employee represented by the New York State Correctional Officers & Police Benevolent Association, Inc. (NYSCOPBA) I ask that you once again support NYSCOPBA's "Death Gamble" legislation (S8408 Jackson/A9084 Jones) and pass it before the end of the 2024 legislative session. 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 offering a "Death Gamble" benefit 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.

With the final days of session upon us, you still have the opportunity to assist the families of some of the hardest working people that our state employs. We are always grateful to the Senate for including 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,