

2340

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY -- Multi-Sponsored by -- M. of A. ABBATE,
BOYLAND, CLARK, COOK, EDDINGTON, PHEFFER, TOWNS -- read once and
referred to the Committee on Governmental Employees

AN ACT to amend the state finance law, in relation to compensation and
medical expenses of certain injured state employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The state finance law is amended by adding a new section
2 209-c to read as follows:
3 S 209-C. PAYMENT OF SALARY, WAGES, MEDICAL AND HOSPITAL EXPENSES OF
4 PEACE OFFICERS EMPLOYED IN THE STATE DIVISION OF PAROLE WITH INJURIES OR
5 ILLNESS INCURRED IN THE PERFORMANCE OF DUTIES. 1. ANY PEACE OFFICER
6 EMPLOYED IN THE STATE DIVISION OF PAROLE (HEREINAFTER REFERRED TO AS A
7 "PEACE OFFICER") WHO IS INJURED IN THE PERFORMANCE OF HIS OR HER DUTIES
8 OR WHO IS TAKEN SICK AS A RESULT OF THE PERFORMANCE OF HIS OR HER DUTIES
9 SO AS TO NECESSITATE MEDICAL OR OTHER LAWFUL REMEDIAL TREATMENT SHALL BE
10 PAID BY THE STATE THE FULL AMOUNT OF HIS OR HER REGULAR SALARY OR WAGES
11 UNTIL HIS OR HER DISABILITY ARISING THEREFROM HAS CEASED, AND, IN ADDI-
12 TION THE STATE SHALL BE LIABLE FOR ALL MEDICAL TREATMENT AND HOSPITAL
13 CARE NECESSITATED BY REASON OF SUCH INJURY OR ILLNESS. PROVIDED, HOWEV-
14 ER, AND NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, THE
15 STATE HEALTH AUTHORITIES OR ANY PHYSICIAN APPOINTED FOR THE PURPOSE BY
16 THE STATE, AFTER A DETERMINATION HAS FIRST BEEN MADE THAT SUCH INJURY OR
17 SICKNESS WAS INCURRED DURING, OR RESULTED FROM, SUCH PERFORMANCE OF
18 DUTY, MAY ATTEND ANY SUCH INJURED OR SICK PEACE OFFICER, FROM TIME TO
19 TIME, FOR THE PURPOSE OF PROVIDING MEDICAL, SURGICAL OR OTHER TREATMENT,
20 OR FOR MAKING INSPECTIONS AND THE STATE SHALL NOT BE LIABLE FOR SALARY
21 OR WAGES PAYABLE TO SUCH PEACE OFFICER, OR FOR THE COST OF MEDICAL
22 TREATMENT OR HOSPITAL CARE FURNISHED AFTER SUCH DATE AS SUCH HEALTH
23 AUTHORITIES OR PHYSICIAN SHALL CERTIFY THAT SUCH INJURED OR SICK PEACE
24 OFFICER HAS RECOVERED AND IS PHYSICALLY ABLE TO PERFORM HIS OR HER REGU-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00490-01-9

1 LAR DUTIES. ANY INJURED OR SICK PEACE OFFICER WHO SHALL REFUSE TO ACCEPT
2 MEDICAL TREATMENT OR HOSPITAL CARE OR SHALL REFUSE TO PERMIT MEDICAL
3 INSPECTIONS AS HEREIN AUTHORIZED, INCLUDING EXAMINATIONS PURSUANT TO
4 SUBDIVISION TWO OF THIS SECTION, SHALL BE DEEMED TO HAVE WAIVED HIS OR
5 HER RIGHTS UNDER THIS SECTION IN RESPECT TO EXPENSES FOR MEDICAL TREAT-
6 MENT OR HOSPITAL CARE RENDERED AND FOR SALARY OR WAGES PAYABLE AFTER
7 SUCH REFUSAL.

8 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PROVIDER OF
9 MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED PURSUANT TO THE PROVISIONS
10 OF THIS SECTION SHALL NOT COLLECT OR ATTEMPT TO COLLECT REIMBURSEMENT
11 FOR SUCH TREATMENT OR CARE FROM ANY SUCH PEACE OFFICER.

12 2. PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED
13 BY SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT
14 TO ANY PEACE OFFICER WHO IS PERMANENTLY DISABLED AS A RESULT OF AN INJU-
15 RY OR SICKNESS INCURRED OR RESULTING FROM THE PERFORMANCE OF HIS OR HER
16 DUTIES IF SUCH PEACE OFFICER IS GRANTED AN ACCIDENTAL DISABILITY RETIRE-
17 MENT ALLOWANCE PURSUANT TO SECTION SIXTY-THREE OF THE RETIREMENT AND
18 SOCIAL SECURITY LAW, A RETIREMENT FOR DISABILITY INCURRED IN PERFORMANCE
19 OF DUTY ALLOWANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION PROVIDED BY
20 THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. IF APPLICATION FOR SUCH
21 RETIREMENT ALLOWANCE OR PENSION IS NOT MADE BY SUCH PEACE OFFICER,
22 APPLICATION THEREFOR MAY BE MADE BY THE HEAD OF THE STATE DIVISION OF
23 PAROLE.

24 3. IF SUCH A PEACE OFFICER IS NOT ELIGIBLE FOR OR IS NOT GRANTED SUCH
25 ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE OR RETIREMENT FOR DISABILITY
26 INCURRED IN PERFORMANCE OF DUTY ALLOWANCE OR SIMILAR ACCIDENTAL DISABIL-
27 ITY PENSION AND IS NEVERTHELESS, IN THE OPINION OF SUCH HEALTH AUTHORI-
28 TIES OR PHYSICIAN, UNABLE TO PERFORM HIS OR HER REGULAR DUTIES AS A
29 RESULT OF SUCH INJURY OR SICKNESS BUT IS ABLE, IN THEIR OPINION, TO
30 PERFORM SPECIFIED TYPES OF LIGHT PEACE OFFICER DUTY, PAYMENT OF THE FULL
31 AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF
32 THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT TO SUCH PEACE OFFICER
33 IF HE OR SHE SHALL REFUSE TO PERFORM SUCH LIGHT PEACE OFFICER DUTY IF
34 THE SAME IS AVAILABLE AND OFFERED TO HIM OR HER; PROVIDED, HOWEVER, THAT
35 SUCH LIGHT DUTY SHALL BE CONSISTENT WITH HIS OR HER STATUS AS A PEACE
36 OFFICER AND SHALL ENABLE HIM OR HER TO CONTINUE TO BE ENTITLED TO HIS OR
37 HER REGULAR SALARY OR WAGES, INCLUDING INCREASES THEREOF AND FRINGE
38 BENEFITS, TO WHICH HE OR SHE WOULD HAVE BEEN ENTITLED IF HE OR SHE WERE
39 ABLE TO PERFORM HIS OR HER REGULAR DUTIES.

40 4. THE APPROPRIATE DIVISION OF PAROLE OFFICIALS MAY TRANSFER SUCH A
41 PEACE OFFICER TO A POSITION IN ANOTHER UNIT OR OFFICE WITHIN THE DIVI-
42 SION WHERE THEY ARE ABLE TO DO SO PURSUANT TO APPLICABLE CIVIL SERVICE
43 REQUIREMENTS AND PROVIDED THE PEACE OFFICER SHALL CONSENT THERETO.

44 5. IF SUCH A PEACE OFFICER IS NOT ELIGIBLE FOR OR IS NOT GRANTED AN
45 ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE OR RETIREMENT FOR DISABILITY
46 INCURRED IN PERFORMANCE OF DUTY ALLOWANCE OR SIMILAR ACCIDENTAL DISABIL-
47 ITY PENSION, HE OR SHE SHALL NOT BE ENTITLED TO FURTHER PAYMENT OF THE
48 FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE
49 OF THIS SECTION, AFTER HE OR SHE SHALL HAVE ATTAINED THE MANDATORY
50 SERVICE RETIREMENT AGE APPLICABLE TO HIM OR HER OR SHALL HAVE ATTAINED
51 THE AGE OR PERFORMED THE PERIOD OF SERVICE SPECIFIED BY APPLICABLE LAW
52 FOR THE TERMINATION OF HIS OR HER SERVICE. WHERE SUCH A PEACE OFFICER IS
53 TRANSFERRED TO ANOTHER POSITION PURSUANT TO SUBDIVISION FOUR OF THIS
54 SECTION OR RETIRES OR IS RETIRED UNDER ANY PROCEDURE APPLICABLE TO HIM
55 OR HER, INCLUDING BUT NOT LIMITED TO CIRCUMSTANCES DESCRIBED IN SUBDIVI-
56 SION TWO OF THIS SECTION OR IN THIS SUBDIVISION, HE OR SHE SHALL THERE-

1 AFTER, IN ADDITION TO ANY RETIREMENT ALLOWANCE OR PENSION TO WHICH HE OR
2 SHE IS THEN ENTITLED, CONTINUE TO BE ENTITLED TO MEDICAL TREATMENT AND
3 HOSPITAL CARE NECESSITATED BY REASON OF SUCH INJURY OR ILLNESS.

4 6. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A CAUSE OF
5 ACTION SHALL ACCRUE TO THE STATE FOR REIMBURSEMENT IN SUCH SUM OR SUMS
6 ACTUALLY PAID AS SALARY OR WAGES AND/OR FOR MEDICAL TREATMENT AND HOSPI-
7 TAL CARE AS AGAINST ANY THIRD PARTY AGAINST WHOM THE PEACE OFFICER SHALL
8 HAVE A CAUSE OF ACTION FOR THE INJURY SUSTAINED OR SICKNESS CAUSED BY
9 SUCH THIRD PARTY.
10 S 2. This act shall take effect immediately.