

2520

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to disability coverage for detention officers employed by the city of Yonkers

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

1 Section 1. Subdivision 1 of section 207-c of the general municipal
2 law, as amended by section 3 of chapter 675 of the laws of 1997, is
3 amended to read as follows:
4 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
5 the sheriff's department of any county (hereinafter referred to as a
6 "policeman") or any member of a police force of any county, city of less
7 than one million population, town or village, or of any district, agency,
8 board, body or commission thereof, or a detective-investigator or
9 any other investigator who is a police officer pursuant to the
10 provisions of the criminal procedure law employed in the office of a
11 district attorney of any county, or any corrections officer of the county
12 of Erie department of corrections, or an advanced ambulance medical
13 technician employed by the county of Nassau, OR ANY DETENTION OFFICER
14 EMPLOYED BY THE CITY OF YONKERS, or any supervising fire inspector, fire
15 inspector, fire marshal or assistant fire marshal employed full-time in
16 the county of Nassau fire marshal's office, or at the option of the
17 county of Nassau, any probation officer of the county of Nassau who is
18 injured in the performance of his duties or who is taken sick as a
19 result of the performance of his duties so as to necessitate medical or
20 other lawful remedial treatment shall be paid by the municipality by
21 which he is employed the full amount of his regular salary or wages
22 until his disability arising therefrom has ceased, and, in addition such
23 municipality shall be liable for all medical treatment and hospital care
24 necessitated by reason of such injury or illness. Provided, however,
25 and notwithstanding the foregoing provisions of this section, the munic-

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

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1 ipal health authorities or any physician appointed for the purpose by
2 the municipality, after a determination has first been made that such
3 injury or sickness was incurred during, or resulted from, such perform-
4 ance of duty, may attend any such injured or sick policeman, from time
5 to time, for the purpose of providing medical, surgical or other treat-
6 ment, or for making inspections and the municipality shall not be liable
7 for salary or wages payable to such policeman, or for the cost of
8 medical treatment or hospital care furnished after such date as such
9 health authorities or physician shall certify that such injured or sick
10 policeman has recovered and is physically able to perform his regular
11 duties. Any injured or sick policeman who shall refuse to accept medical
12 treatment or hospital care or shall refuse to permit medical inspections
13 as herein authorized, including examinations pursuant to subdivision two
14 of this section, shall be deemed to have waived his rights under this
15 section in respect to expenses for medical treatment or hospital care
16 rendered and for salary or wages payable after such refusal.

17 Notwithstanding any provision of law to the contrary, a provider of
18 medical treatment or hospital care furnished pursuant to the provisions
19 of this section shall not collect or attempt to collect reimbursement
20 for such treatment or care from any such policeman, a member of a police
21 force of any county, city, any such advanced ambulance medical techni-
22 cian, ANY SUCH DETENTION OFFICER or any such detective-investigator or
23 any other such investigator who is a police officer pursuant to the
24 provisions of the criminal procedure law.

25 S 2. Subdivision 1 of section 207-c of the general municipal law, as
26 amended by section 4 of chapter 675 of the laws of 1997, is amended to
27 read as follows:

28 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
29 the sheriff's department of any county or any member of a police force
30 of any county, city of less than one million population, town or
31 village, or of any district, agency, board, body or commission thereof,
32 or any LIRR police officer as defined in paragraph two of subdivision a
33 of section three hundred eighty-nine of the retirement and social secu-
34 rity law whose benefits are provided in and pursuant to such section
35 three hundred eighty-nine, or a detective-investigator or any other
36 investigator who is a police officer pursuant to the provisions of the
37 criminal procedure law employed in the office of a district attorney of
38 any county, or any corrections officer of the county of Erie department
39 of corrections, or an advanced ambulance medical technician employed by
40 the county of Nassau, OR ANY DETENTION OFFICER EMPLOYED BY THE CITY OF
41 YONKERS, or any supervising fire inspector, fire inspector, fire
42 marshal, or assistant fire marshal employed full-time in the county of
43 Nassau fire marshal's office, or at the option of the county of Nassau,
44 any probation officer of the county of Nassau who is injured in the
45 performance of his duties or who is taken sick as a result of the
46 performance of his duties so as to necessitate medical or other lawful
47 remedial treatment shall be paid by the municipality or The Long Island
48 Rail Road Company by which he is employed the full amount of his regular
49 salary or wages from such employer until his disability arising there-
50 from has ceased, and, in addition such municipality or The Long Island
51 Rail Road Company shall be liable for all medical treatment and hospital
52 care necessitated by reason of such injury or illness. Provided, howev-
53 er, and notwithstanding the foregoing provisions of this section, the
54 municipal or The Long Island Rail Road Company health authorities or any
55 physician appointed for the purpose by the municipality or The Long
56 Island Rail Road Company, as relevant, after a determination has first

1 been made that such injury or sickness was incurred during, or resulted
2 from, such performance of duty, may attend any such injured or sick
3 policeman, from time to time, for the purpose of providing medical,
4 surgical or other treatment, or for making inspections, and the munici-
5 pality or The Long Island Rail Road Company, as the case may be, shall
6 not be liable for salary or wages payable to such policeman, or for the
7 cost of medical treatment or hospital care furnished after such date as
8 such health authorities or physician shall certify that such injured or
9 sick policeman has recovered and is physically able to perform his regu-
10 lar duties. Any injured or sick policeman who shall refuse to accept
11 medical treatment or hospital care or shall refuse to permit medical
12 inspections as herein authorized, including examinations pursuant to
13 subdivision two of this section, shall be deemed to have waived his
14 rights under this section in respect to expenses for medical treatment
15 or hospital care rendered and for salary or wages payable after such
16 refusal.

17 Notwithstanding any provision of law to the contrary, a provider of
18 medical treatment or hospital care furnished pursuant to the provisions
19 of this section shall not collect or attempt to collect reimbursement
20 for such treatment or care from any such policeman [or], any such
21 advanced ambulance medical technician OR ANY SUCH DETENTION OFFICER.

22 S 3. This act shall take effect immediately, provided that section one
23 of this act shall expire and be deemed repealed on the same date as the
24 amendments to subdivision 1 of section 207-c of the general municipal
25 law, made by section 1 of chapter 628 of the laws of 1991, take effect,
26 when upon such date section two of this act shall take effect.