S T A T E O F N E W Y O R K

7141

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. ABBATE, PHEFFER, DenDEKKER, TOWNSEND, SALADINO -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to members of the state police with injuries or illness incurred in the performance of duties

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

Section 1. The civil service law is amended by adding a new section 154-d to read as follows:

S 154-D. PAYMENT OF SALARY, WAGES, MEDICAL AND HOSPITAL EXPENSES OF MEMBERS OF THE STATE POLICE WITH INJURIES OR ILLNESS INCURRED IN THE PERFORMANCE OF DUTIES. 1. ANY MEMBER OF THE STATE POLICE WHO IS INJURED IN THE PERFORMANCE OF HIS OR HER DUTIES OR WHO IS TAKEN SICK AS A RESULT OF THE PERFORMANCE OF HIS OR HER DUTIES SO AS TO NECESSITATE MEDICAL OR OTHER LAWFUL REMEDIAL TREATMENT SHALL BE PAID BY THE DIVISION OF STATE POLICE THE FULL AMOUNT OF HIS OR HER REGULAR SALARY OR WAGES UNTIL HIS OR HER DISABILITY ARISING THEREFROM HAS CEASED, AND, IN ADDITION THE DIVISION OF STATE POLICE SHALL BE LIABLE FOR ALL MEDICAL TREATMENT AND HOSPITAL CARE NECESSITATED BY REASON OF SUCH INJURY OR ILLNESS. PROVIDED, HOWEVER, AND NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, THE DIVISION OF STATE POLICE HEALTH AUTHORITIES OR ANY PHYSICIAN APPOINTED FOR THE PURPOSE BY THE DIVISION OF STATE POLICE, AFTER A DETERMINATION HAS FIRST BEEN MADE THAT SUCH INJURY OR SICKNESS WAS INCURRED DURING, OR RESULTED FROM, SUCH PERFORMANCE OF DUTY, MAY ATTEND ANY SUCH INJURED OR SICK MEMBER, FROM TIME TO TIME, FOR THE PURPOSE OF PROVIDING MEDICAL, SURGICAL OR OTHER TREATMENT, OR FOR MAKING INSPECTIONS AND THE DIVISION OF STATE POLICE SHALL NOT BE LIABLE FOR SALARY OR WAGES PAYABLE TO SUCH MEMBER, OR FOR THE COST OF MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED AFTER SUCH DATE AS SUCH HEALTH AUTHORITIES OR PHYSICIAN SHALL CERTIFY THAT SUCH INJURED OR SICK MEMBER HAS RECOVERED AND IS PHYSICALLY ABLE TO PERFORM HIS OR HER REGULAR DUTIES. ANY INJURED OR SICK MEMBER WHO SHALL REFUSE TO ACCEPT MEDICAL TREATMENT OR HOSPITAL CARE OR SHALL REFUSE TO PERMIT MEDICAL INSPECTIONS

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

LBD10435-01-9

AS AUTHORIZED BY THIS SUBDIVISION, INCLUDING EXAMINATIONS PURSUANT TO SECTION THREE HUNDRED SIXTY-THREE-B OR THREE HUNDRED SIXTY-THREE-BB OF THE RETIREMENT AND SOCIAL SECURITY LAW, SHALL BE DEEMED TO HAVE WAIVED HIS OR HER RIGHTS UNDER THIS SECTION IN RESPECT TO EXPENSES FOR MEDICAL TREATMENT OR HOSPITAL CARE RENDERED AND FOR SALARY OR WAGES PAYABLE AFTER SUCH REFUSAL.

NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PROVIDER OF MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL NOT COLLECT OR ATTEMPT TO COLLECT REIMBURSEMENT FOR SUCH TREATMENT OR CARE FROM ANY SUCH MEMBER OF THE STATE POLICE.

2. PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT TO ANY MEMBER OF THE STATE POLICE WHO IS PERMANENTLY DISABLED AS A RESULT OF AN INJURY OR SICKNESS INCURRED OR RESULTING FROM THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH MEMBER IS GRANTED AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE PURSUANT TO SECTION THREE HUNDRED SIXTY-THREE-BB OF THE RETIREMENT AND SOCIAL SECURITY LAW, A STATE POLICE DISABILITY ALLOWANCE PURSUANT TO SECTION THREE HUNDRED SIXTY-THREE-B OF THE RETIREMENT AND SOCIAL SECURITY LAW OR SIMILAR ACCIDENTAL DISABILITY PENSION PROVIDED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. IF APPLICATION FOR SUCH RETIREMENT ALLOWANCE OR PENSION IS NOT MADE BY SUCH MEMBER, APPLICATION THEREFOR MAY BE MADE BY THE SUPERINTENDENT OF STATE POLICE.

3. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED SUCH ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE OR STATE POLICE DISABILITY ALLOWANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION AND IS NEVERTHELESS, IN THE OPINION OF SUCH HEALTH AUTHORITIES OR PHYSICIAN, UNABLE TO PERFORM HIS OR HER REGULAR DUTIES AS A RESULT OF SUCH INJURY OR SICKNESS BUT IS ABLE, IN THEIR OPINION, TO PERFORM SPECIFIED TYPES OF LIGHT POLICE DUTY, PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT TO SUCH MEMBER IF HE OR SHE SHALL REFUSE TO PERFORM SUCH LIGHT POLICE DUTY IF THE SAME IS AVAILABLE AND OFFERED TO HIM OR HER, PROVIDED, HOWEVER, THAT SUCH LIGHT DUTY SHALL BE CONSISTENT WITH HIS OR HER STATUS AS A MEMBER OF THE STATE POLICE AND SHALL ENABLE HIM OR HER TO CONTINUE TO BE ENTITLED TO HIS OR HER REGULAR SALARY OR WAGES, INCLUDING INCREASES THEREOF AND FRINGE BENEFITS, TO WHICH HE OR SHE WOULD HAVE BEEN ENTITLED IF HE OR SHE WERE ABLE TO PERFORM HIS OR HER REGULAR DUTIES.

4. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE OR STATE POLICE DISABILITY ALLOWANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION, HE OR SHE SHALL NOT BE ENTITLED TO FURTHER PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, AFTER HE OR SHE SHALL HAVE ATTAINED THE MANDATORY SERVICE RETIREMENT AGE APPLICABLE TO HIM OR HER OR SHALL HAVE ATTAINED THE AGE OR PERFORMED THE PERIOD OF SERVICE SPECIFIED BY APPLICABLE LAW FOR THE TERMINATION OF HIS OR HER SERVICE.

5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY OR CONTAINED IN THIS SECTION, A CAUSE OF ACTION SHALL ACCRUE TO THE DIVISION OF STATE POLICE FOR REIMBURSEMENT IN SUCH SUM OR SUMS ACTUALLY PAID AS SALARY OR WAGES AND/OR FOR MEDICAL TREATMENT AND HOSPITAL CARE AS AGAINST ANY THIRD PARTY AGAINST WHOM THE MEMBER SHALL HAVE A CAUSE OF ACTION FOR THE INJURY SUSTAINED OR SICKNESS CAUSED BY SUCH THIRD PARTY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.