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

7204

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. ABBATE, SCHROEDER, TOWNSEND, SALADINO -- Multi-Sponsored by -- M. of A. PHEFFER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to certain heart disabilities incurred by deputy sheriff members of the New York city employees' retirement system in certain cases and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The general municipal law is amended by adding a new section 207-s to read as follows:

S 207-S. DISABILITIES OF DEPUTY SHERIFF MEMBERS OF A RETIREMENT SYSTEM IN CERTAIN CASES. 1. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW OR ADMINISTRATIVE CODE TO THE CONTRARY, BUT EXCEPT FOR THE PURPOSES OF THE WORKERS' COMPENSATION LAW AND THE LABOR LAW, ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE HEART, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A DEPUTY CITY SHERIFF LEVEL ONE, DEPUTY CITY SHERIFF LEVEL TWO, SUPERVISING DEPUTY SHERIFF OR ADMINISTRATIVE SHERIFF, IN CITIES WHERE SUCH EMPLOYEES ARE DRAWN FROM COMPETITIVE CIVIL SERVICE LISTS, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO THE SERVICE OF SUCH AGENCY, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF SUCH CONDITION, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DEPUTY SHERIFF MEMBER RETIRING PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL RECEIVE A PENSION EQUAL TO THREE-FOURTHS OF HIS FINAL AVERAGE SALARY.

S 2. This act shall take effect immediately and shall remain in full force and effect to and including June 30, 2010, at which time the provisions of this act shall be deemed repealed.

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

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