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

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7204

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 26, 2009
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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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. The general municipal law is amended by adding a new
 2 section 207-s to read as follows:
 3   S 207-S. DISABILITIES OF DEPUTY SHERIFF MEMBERS OF A RETIREMENT SYSTEM
 4 IN CERTAIN CASES. 1. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL,
 5 SPECIAL OR LOCAL LAW OR ADMINISTRATIVE CODE TO THE CONTRARY, BUT EXCEPT
 6 FOR THE PURPOSES OF THE WORKERS' COMPENSATION LAW AND THE LABOR LAW, ANY
 7 CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE HEART,
 8 RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A DEPUTY CITY SHER-
 9 IFF LEVEL ONE, DEPUTY CITY SHERIFF LEVEL TWO, SUPERVISING DEPUTY SHERIFF
10 OR ADMINISTRATIVE SHERIFF, IN CITIES WHERE SUCH EMPLOYEES ARE DRAWN FROM
11 COMPETITIVE CIVIL SERVICE LISTS, WHO SUCCESSFULLY PASSED A PHYSICAL
12 EXAMINATION ON ENTRY INTO THE SERVICE OF SUCH AGENCY, WHICH EXAMINATION
13 FAILED TO REVEAL ANY EVIDENCE OF SUCH CONDITION, SHALL BE PRESUMPTIVE
14 EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY,
15 UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.
16   2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DEPUTY SHERIFF MEMBER
17 RETIRING PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
18 SHALL RECEIVE A PENSION EQUAL TO THREE-FOURTHS OF HIS FINAL AVERAGE
19 SALARY.
20   S 2. This act shall take effect immediately and shall remain in full
21 force and effect to and including June 30, 2010, at which time the
22 provisions of this act shall be deemed repealed.