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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 2, 2009

Introduced by M. of A. CUSICK, BOYLAND, CASTRO, PHEFFER, PERRY, AUBRY, HYER-SPENCER, M. MILLER, MILLMAN, COLTON, TITONE, SPANO, DenDEKKER, O'DONNELL -- Multi-Sponsored by -- M. of A. BARRON, GIBSON, HOOPER, JOHN, MARKEY, MAYERSOHN -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan

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

Section 1. Paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by chapter 436 of the laws of 2001, the opening paragraph as amended by local law number 22 of the city of New York for the year 2007, subparagraph (i) as amended by local law number 9 of the city of New York for the year 2009 and subparagraph (ii) as amended by chapter 339 of the laws of 2008, is amended to read as follows:

(2) Health insurance coverage for surviving spouses, domestic partners and children of police officers, firefighters and certain other city employees:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such

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

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child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine, and the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, and the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and

limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty, other than for training purposes, pursuant to Title 10 of the United States Code, with the armed forces of the United States, and such member died while on active duty on or after the effective date of local law number ninety-six of the city of New York for the year two thousand five while serving on such active military duty.

(ii) Where a retired member of the fire department dies and is enrolled in a health insurance plan, the surviving spouse shall be afforded the right to such health insurance coverage and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act as is provided for retirees and their dependents as set forth in subparagraph (i) of this paragraph, provided such surviving spouse pays one hundred two percent of the group rate for such coverage, with two percent intended to cover administrative costs incurred, provided such spouse elects such health insurance coverage within one year of the death of his or her spouse. For purposes of this subparagraph, "retired member of the fire department" shall include persons who, immediately prior to retirement, were employed by the fire department of the city of New York in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law).

(iii) Where a retired member of the police department, including premerger retirees who were police officers employed by the New York city housing authority or the New York city transit authority, dies and is enrolled in a health insurance plan, the surviving spouse shall be afforded the right to such health insurance coverage and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act as is provided for retirees and their dependents as set forth in subparagraph (i) of this paragraph, provided such surviving spouse pays one hundred two percent of the group rate for such coverage, with two percent intended to cover administrative costs incurred, provided such spouse elects such health insurance coverage within one year of the death of his or her spouse.

(IV) WHERE AN ACTIVE OR RETIRED MEMBER OF THE NEW YORK CITY DEPARTMENT OF CORRECTION OR SANITATION DIES AND IS ENROLLED IN A HEALTH INSURANCE PLAN, THE SURVIVING SPOUSE OR DOMESTIC PARTNER SHALL BE AFFORDED THE RIGHT TO SUCH HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE WHICH IS PREDICATED ON THE INSURED'S ENROLLMENT IN THE HOSPITAL AND MEDICAL PROGRAM FOR THE AGED AND DISABLED UNDER THE SOCIAL SECURITY ACT AS IS PROVIDED FOR RETIREES AND THEIR DEPENDENTS AS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, PROVIDED SUCH SURVIVING SPOUSE OR DOMESTIC PARTNER PAYS ONE HUNDRED TWO PERCENT OF THE GROUP RATE FOR SUCH COVERAGE, WITH TWO PERCENT INTENDED TO COVER ADMINISTRATIVE COSTS INCURRED,

PROVIDED SUCH SPOUSE OR DOMESTIC PARTNER ELECTS SUCH HEALTH INSURANCE COVERAGE WITHIN ONE YEAR OF THE DEATH OF HIS OR HER SPOUSE OR DOMESTIC PARTNER.

S 2. This act shall take effect immediately.