

3187

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses of uniformed personnel of the New York city department of correction and sanitation members of the New York city employees' retirement system

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

1 Section 1. Subparagraphs (i) and (ii) of paragraph 2 of subdivision b  
2 of section 12-126 of the administrative code of the city of New York, as  
3 amended by chapter 339 of the laws of 2008, are amended to read as  
4 follows:

5 (i) Where the death of a member of the uniformed forces of the police  
6 or fire departments, UNIFORMED PERSONNEL OF THE NEW YORK CITY DEPARTMENT  
7 OF CORRECTION OR SANITATION MEMBERS OF THE NEW YORK CITY EMPLOYEES'  
8 RETIREMENT SYSTEM is or was the natural and proximate result of an acci-  
9 dent or injury sustained while in the performance of duty, the surviving  
10 spouse or domestic partner, until he or she dies, and the children under  
11 the age of nineteen years and any such child who is enrolled on a full-  
12 time basis in a program of undergraduate study in an accredited degree-  
13 granting institution of higher education until such child completes his  
14 or her educational program or reaches the age of twenty-three years,  
15 whichever comes first, shall be afforded the right to health insurance  
16 coverage, and health insurance coverage which is predicated on the  
17 insured's enrollment in the hospital and medical program for the aged  
18 and disabled under the social security act, as is provided for city  
19 employees, city retirees and their dependents as set forth in paragraph  
20 one of this subdivision. Where the death of a uniformed member of the  
21 correction or sanitation departments has occurred while such employee  
22 was in active service as the natural and proximate result of an accident  
23 or injury sustained while in the performance of duty, the surviving

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

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1 spouse or domestic partner, until he or she dies, and the child of such  
2 employee who is under the age of nineteen years and any such child who  
3 is enrolled on a full-time basis in a program of undergraduate study in  
4 an accredited degree-granting institution of higher education until such  
5 child completes his or her educational program or reaches the age of  
6 twenty-three years, whichever comes first, shall be afforded the right  
7 to health insurance coverage, and health insurance coverage which is  
8 predicated on the insured's enrollment in the hospital and medical  
9 program for the aged and disabled under the social security act, as is  
10 provided for city employees, city retirees and their dependents as set  
11 forth in paragraph one of this subdivision. Where the death of an  
12 employee of the fire department of the city of New York who was serving  
13 in a title whose duties are those of an emergency medical technician or  
14 advanced emergency medical technician (as those terms are defined in  
15 section three thousand one of the public health law), or whose duties  
16 required the direct supervision of employees whose duties are those of  
17 an emergency medical technician or advanced emergency medical technician  
18 (as those terms are defined in section three thousand one of the public  
19 health law) is or was the natural and proximate result of an accident or  
20 injury sustained while in the performance of duty on or after September  
21 eleventh, two thousand one, the surviving spouse or domestic partner,  
22 until he or she dies, and the children under the age of nineteen years  
23 and any such child who is enrolled on a full-time basis in a program of  
24 undergraduate study in an accredited degree-granting institution of  
25 higher education until such child completes his or her educational  
26 program or reaches the age of twenty-three years, whichever comes first,  
27 shall be afforded the right to health insurance coverage, and health  
28 insurance coverage which is predicated on the insured's enrollment in  
29 the hospital and medical program for the aged and disabled under the  
30 social security act, as is provided for city employees, city retirees  
31 and their dependents as set forth in paragraph one of this subdivision.  
32 The mayor may, in his or her discretion, authorize the provision of such  
33 health insurance coverage for the surviving spouses, domestic partners  
34 and children of employees of the fleet services division of the police  
35 department who died on or after October first, nineteen hundred ninety-  
36 eight and before April thirtieth, nineteen hundred ninety-nine, and the  
37 surviving spouses, domestic partners and children of employees of the  
38 roadway repair and maintenance division of the department of transporta-  
39 tion who died on or after September first, two thousand five and before  
40 September twenty-eighth, two thousand five, as a natural and proximate  
41 result of an accident or injury sustained while in the performance of  
42 duty, subject to the same terms, conditions and limitations set forth in  
43 the section. Provided, however, and notwithstanding any other provision  
44 of law to the contrary, and solely for the purposes of this subpara-  
45 graph, a member otherwise covered by this subparagraph shall be deemed  
46 to have died as the natural and proximate result of an accident or inju-  
47 ry sustained while in the performance of duty upon which his or her  
48 membership is based, provided that such member was in active service  
49 upon which his or her membership is based at the time that such member  
50 was ordered to active duty, other than for training purposes, pursuant  
51 to Title 10 of the United States Code, with the armed forces of the  
52 United States, and such member died while on active duty on or after the  
53 effective date of local law number ninety-six of the city of New York  
54 for the year two thousand five while serving on such active military  
55 duty.

1 (ii) Where a retired member of the fire department, UNIFORMED PERSON-  
2 NEL OF THE NEW YORK CITY DEPARTMENT OF CORRECTION OR SANITATION MEMBERS  
3 OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM dies and is enrolled  
4 in a health insurance plan, the surviving spouse shall be afforded the  
5 right to such health insurance coverage and health insurance coverage  
6 which is predicated on the insured's enrollment in the hospital and  
7 medical program for the aged and disabled under the social security act  
8 as is provided for retirees and their dependents as set forth in subpar-  
9 agraph (i) of this paragraph, provided such surviving spouse pays one  
10 hundred two percent of the group rate for such coverage, with two  
11 percent intended to cover administrative costs incurred, provided such  
12 spouse elects such health insurance coverage within one year of the  
13 death of his or her spouse. For purposes of this subparagraph, "retired  
14 member of the fire department" shall include persons who, immediately  
15 prior to retirement, were employed by the fire department of the city of  
16 New York in a title whose duties are those of an emergency medical tech-  
17 nician or advanced emergency medical technician (as those terms are  
18 defined in section three thousand one of the public health law), or  
19 whose duties required the direct supervision of employees whose duties  
20 are those of an emergency medical technician or advanced emergency  
21 medical technician (as those terms are defined in section three thousand  
22 one of the public health law).

23 S 2. This act shall take effect immediately.