

6255

2009-2010 Regular Sessions

I N A S S E M B L Y

February 27, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee
on Governmental Employees

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 ASSEM-
BLY, 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.