

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. PHEFFER
-- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to authorizing coverage under the New York state health insurance program for after-adopted children of unremarried spouses of deceased employees of the state or a participating employer

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

1 Section 1. Subdivision 2 of section 165 of the civil service law, as
2 amended by section 5 of part T of chapter 56 of the laws of 2010, is
3 amended to read as follows:
4 2. In the event of death of an employee having coverage at the time of
5 death for himself or herself and his or her dependents, and where the
6 circumstances of death are such that beneficiaries or dependents of such
7 deceased employee are entitled to an accidental death benefit payable by
8 a retirement system or pension plan administered by the state or a civil
9 division thereof on account of death resulting from an accident
10 sustained in the performance of his or her duties or to death benefits
11 provided for under the workers' compensation law, the unremarried spouse
12 of such employee covered at the time of his or her death and his or her
13 covered dependents, for so long as they would otherwise qualify as
14 dependents eligible for coverage under the regulations of the president,
15 shall be eligible to continue full coverage under the health benefit
16 plan upon payment at intervals determined by the president of the full
17 cost of such coverage; provided, however, that the state shall pay and
18 any participating employer may elect to pay the full cost of such coverage,
19 except that in the case of those enrolled in an optional benefit
20 plan, the employer shall contribute not more than the same dollar amount
21 which would be paid if such unremarried spouse and dependents were
22 enrolled in the basic statewide health benefit plan. The president shall

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

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1 adopt such regulations as may be required to carry out the provisions of
2 this subdivision which shall include, but need not be limited to,
3 provisions for filing application for continued coverage, including
4 reasonable time limits therefor, and provisions for continued coverage
5 of spouse and dependents pending determination of an application for
6 accidental death benefits from a retirement system or pension plan
7 administered by the state or a civil division thereof or pending deter-
8 mination of a claim for death benefits under the workers' compensation
9 law. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "DEPENDENT" SHALL
10 BE DEEMED TO INCLUDE A CHILD ADOPTED BY THE UNREMARIED SPOUSE OF THE
11 DECEASED EMPLOYEE AFTER SUCH EMPLOYEE'S DEATH, IF SUCH CHILD WOULD BE
12 ELIGIBLE FOR SUCH STATUS HAD SUCH CHILD BEEN ADOPTED BY THE EMPLOYEE
13 PRIOR TO HIS OR HER DEATH.

14 S 2. The opening paragraph of section 165-a of the civil service law,
15 as amended by section 6 of part T of chapter 56 of the laws of 2010, is
16 amended to read as follows:

17 Notwithstanding any other provision of law to the contrary, the presi-
18 dent shall permit the unremarried spouse and the dependents, otherwise
19 qualified as eligible for coverage under regulations of the president,
20 of a person who was an employee of the state and/or of a political
21 subdivision thereof or of a public authority for not less than ten
22 years, provided however, that the ten-year service requirement shall not
23 apply to such employees on active military duty in connection with the
24 Persian Gulf conflict who [die] DIED on or after August second, nineteen
25 hundred ninety while in the Persian Gulf combat zone or while performing
26 such military duties, who had been a participant in any of the state
27 health benefit plans, to continue under the coverage which such deceased
28 employee had in effect at the time of death, upon the payment at inter-
29 vals determined by the president of the full cost of such coverage[,];
30 provided, however, that the unremarried spouse of an active employee of
31 the State who died on or after April first nineteen hundred seventy-five
32 and before April first nineteen hundred seventy-nine who timely elected
33 to continue dependent coverage, or such unremarried spouse who timely
34 elected individual coverage shall continue to pay at intervals deter-
35 mined by the president one-quarter of the full cost of dependent cover-
36 age; and provided further[,], that, with regard to employees of the
37 State, where and to the extent that an agreement pursuant to article
38 fourteen of this chapter so provides, or where the director of employee
39 relations, with respect to employees of the State who are not included
40 within a negotiating unit so recognized or certified pursuant to article
41 fourteen of this chapter whom the director of employee relations deter-
42 mines should be declared eligible for the continuation of health benefit
43 plans for the survivors of such employees of the State, the president
44 shall adopt regulations providing for the continuation of such health
45 benefit or benefits by the unremarried spouse of an active employee of
46 the State who died on or after April first nineteen hundred seventy-nine
47 who elects to continue dependent coverage, or such unremarried spouse
48 who elects individual coverage, and, upon such election, shall pay at
49 intervals determined by the president one-quarter of the full cost of
50 dependent coverage; and[,], provided further THAT, with respect to
51 enrolled employees of a political subdivision or public authority in a
52 negotiating unit recognized or certified pursuant to article fourteen of
53 this chapter, where an agreement negotiated pursuant to said article so
54 provides, and with respect to enrolled employees of a political subdivi-
55 sion or public authority not included within a negotiating unit so
56 recognized or certified, at the discretion of the appropriate political

1 subdivision or public authority, the unremarried spouse of an active
2 employee of the political subdivision or of the public authority who
3 died on or after April first nineteen hundred seventy-five[,] may elect
4 to continue dependent coverage or such unremarried spouse may elect
5 individual coverage, and upon such election, shall pay at intervals
6 determined by the president one-quarter of the full cost of dependent
7 coverage. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "DEPENDENT"
8 SHALL BE DEEMED TO INCLUDE A CHILD ADOPTED BY THE UNREMARIED SPOUSE OF
9 THE DECEASED EMPLOYEE AFTER SUCH EMPLOYEE'S DEATH, IF SUCH CHILD WOULD
10 BE ELIGIBLE FOR SUCH STATUS HAD SUCH CHILD BEEN ADOPTED BY THE EMPLOYEE
11 PRIOR TO HIS OR HER DEATH.

12 S 3. This act shall take effect on the first of January next succeed-
13 ing the date on which it shall have become a law.