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

237

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:

Section 1. Subdivision 2 of section 165 of the civil service law, as amended by section 5 of part T of chapter 56 of the laws of 2010, is amended to read as follows:

2. In the event of death of an employee having coverage at the time of death for himself or herself and his or her dependents, and where the circumstances of death are such that beneficiaries or dependents of such deceased employee are entitled to an accidental death benefit payable by a retirement system or pension plan administered by the state or a civil division thereof on account of death resulting from an accident sustained in the performance of his or her duties or to death benefits provided for under the workers' compensation law, the unremarried spouse of such employee covered at the time of his or her death and his or her covered dependents, for so long as they would otherwise qualify as dependents eligible for coverage under the regulations of the president, shall be eligible to continue full coverage under the health benefit plan upon payment at intervals determined by the president of the full cost of such coverage; provided, however, that the state shall pay and any participating employer may elect to pay the full cost of such coverage, except that in the case of those enrolled in an optional benefit plan, the employer shall contribute not more than the same dollar amount which would be paid if such unremarried spouse and dependents were 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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adopt such regulations as may be required to carry out the provisions of this subdivision which shall include, but need not be limited to, provisions for filing application for continued coverage, including reasonable time limits therefor, and provisions for continued coverage of spouse and dependents pending determination of an application for accidental death benefits from a retirement system or pension plan administered by the state or a civil division thereof or pending determination of a claim for death benefits under the workers' compensation law. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "DEPENDENT" SHALL BE DEEMED TO INCLUDE A CHILD ADOPTED BY THE UNREMARRIED SPOUSE OF THE DECEASED EMPLOYEE AFTER SUCH EMPLOYEE'S DEATH, IF SUCH CHILD WOULD BE ELIGIBLE FOR SUCH STATUS HAD SUCH CHILD BEEN ADOPTED BY THE EMPLOYEE PRIOR TO HIS OR HER DEATH.

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

Notwithstanding any other provision of law to the contrary, the president shall permit the unremarried spouse and the dependents, otherwise qualified as eligible for coverage under regulations of the president, of a person who was an employee of the state and/or of a political subdivision thereof or of a public authority for not less than ten years, provided however, that the ten-year service requirement shall not apply to such employees on active military duty in connection with the Persian Gulf conflict who [die] DIED on or after August second, nineteen hundred ninety while in the Persian Gulf combat zone or while performing such military duties, who had been a participant in any of the state health benefit plans, to continue under the coverage which such deceased employee had in effect at the time of death, upon the payment at intervals determined by the president of the full cost of such coverage[,]; provided, however, that the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-five and before April first nineteen hundred seventy-nine who timely elected to continue dependent coverage, or such unremarried spouse who timely elected individual coverage shall continue to pay at intervals determined by the president one-quarter of the full cost of dependent coverage; and provided further[,] that, with regard to employees of the State, where and to the extent that an agreement pursuant to article fourteen of this chapter so provides, or where the director of employee relations, with respect to employees of the State who are not included within a negotiating unit so recognized or certified pursuant to article fourteen of this chapter whom the director of employee relations determines should be declared eligible for the continuation of health benefit plans for the survivors of such employees of the State, the president shall adopt regulations providing for the continuation of such health benefit or benefits by the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-nine who elects to continue dependent coverage, or such unremarried spouse who elects individual coverage, and, upon such election, shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage; and[,] provided further THAT, with respect to enrolled employees of a political subdivision or public authority in a negotiating unit recognized or certified pursuant to article fourteen of this chapter, where an agreement negotiated pursuant to said article so provides, and with respect to enrolled employees of a political subdivision or public authority not included within a negotiating unit so recognized or certified, at the discretion of the appropriate political

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

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.