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

5125

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. COLTON, DenDEKKER, PHEFFER, SALADINO, WEPRIN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend chapter 154 of the laws of 1921, relating to the Port Authority of New York and New Jersey, in relation to ensuring Port Authority police officers who become ill or injured in the performance of their duties receive full wages

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

Section 1. Chapter 154 of the laws of 1921, relating to the Port Authority of New York and New Jersey, is amended by adding a new article 23 to read as follows:

ARTICLE XXIII

1. ANY MEMBER OF THE POLICE DEPARTMENT OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY WHO IS INJURED IN THE PERFORMANCE OF HIS OR HER DUTIES OR WHO IS TAKEN SICK AS A RESULT OF THE PERFORMANCE OF HIS OR HER DUTIES SO AS TO NECESSITATE MEDICAL OR OTHER LAWFUL REMEDIAL TREATMENT SHALL BE PAID BY THE PORT AUTHORITY THE FULL AMOUNT OF HIS OR HER REGULAR SALARY OR WAGES UNTIL HIS OR HER DISABILITY ARISING THEREFROM HAS CEASED, AND, IN ADDITION THE PORT AUTHORITY SHALL BE LIABLE FOR ALL MEDICAL TREATMENT AND HOSPITAL CARE NECESSITATED BY REASON OF SUCH INJURY OR ILLNESS. PROVIDED, HOWEVER, AND NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS ARTICLE, THE PORT AUTHORITY POLICE HEALTH AUTHORITIES OR ANY PHYSICIAN APPOINTED FOR THE PURPOSE BY THE POLICE DEPARTMENT, AFTER A DETERMINATION HAS FIRST BEEN MADE THAT SUCH INJURY OR SICKNESS WAS INCURRED DURING, OR RESULTED FROM SUCH PERFORMANCE OF DUTY, MAY ATTEND ANY SUCH INJURED OR SICK MEMBER, FROM TIME TO TIME, FOR THE PURPOSE OF PROVIDING MEDICAL, SURGICAL OR OTHER TREATMENT, OR FOR MAKING INSPECTIONS AND THE POLICE DEPARTMENT SHALL NOT BE LIABLE FOR SALARY OR WAGES PAYABLE TO SUCH MEMBER, OR FOR THE COST OF MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED AFTER SUCH DATE AS SUCH HEALTH AUTHORITIES OR

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

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PHYSICIAN SHALL CERTIFY THAT SUCH INJURED OR SICK MEMBER HAS RECOVERED AND IS PHYSICALLY ABLE TO PERFORM HIS OR HER REGULAR DUTIES. ANY INJURED OR SICK MEMBER WHO SHALL REFUSE TO ACCEPT MEDICAL TREATMENT OR HOSPITAL CARE OR SHALL REFUSE TO PERMIT MEDICAL INSPECTIONS AS AUTHORIZED BY THIS SUBDIVISION, INCLUDING EXAMINATIONS PURSUANT TO SECTION 363 OR 363-C OF THE RETIREMENT AND SOCIAL SECURITY LAW, SHALL BE DEEMED TO HAVE WAIVED HIS OR HER RIGHTS UNDER THIS ARTICLE IN RESPECT TO EXPENSES FOR MEDICAL TREATMENT OR HOSPITAL CARE RENDERED AND FOR SALARY OR WAGES PAYABLE AFTER SUCH REFUSAL.

2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PROVIDER OF MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL NOT COLLECT OR ATTEMPT TO COLLECT REIMBURSEMENT FOR SUCH TREATMENT OR CARE FROM ANY SUCH MEMBER OF THE PORT AUTHORITY POLICE.

3. PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS ARTICLE SHALL BE DISCONTINUED WITH RESPECT TO ANY MEMBER OF THE PORT AUTHORITY POLICE WHO IS PERMANENTLY DISABLED AS A RESULT OF AN INJURY OR SICKNESS INCURRED OR RESULTING FROM THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH MEMBER IS GRANTED AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE PURSUANT TO SECTION 363 OF THE RETIREMENT AND SOCIAL SECURITY LAW, OR PERFORMANCE OF DUTY DISABILITY ALLOWANCE PURSUANT TO SECTION 363-C OF THE RETIREMENT AND SOCIAL SECURITY LAW OR SIMILAR ACCIDENTAL DISABILITY PENSION PROVIDED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. IF APPLICATION FOR SUCH RETIREMENT ALLOWANCE OR PENSION IS NOT MADE BY SUCH MEMBER, APPLICATION THEREFOR MAY BE MADE BY THE CHIEF OF THE PORT AUTHORITY POLICE DEPARTMENT.

4. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED SUCH ACCIDENTAL OR PERFORMANCE OF DUTY DISABILITY RETIREMENT PROVIDED FROM THE PENSION FUND AND IS NEVERTHELESS, IN THE OPINION OF SUCH HEALTH AUTHORITIES OR PHYSICIAN, UNABLE TO PERFORM HIS OR HER REGULAR DUTIES AS A RESULT OF SUCH INJURY OR SICKNESS BUT IS ABLE, IN THEIR OPINION, TO PERFORM SPECIFIED TYPES OF LIGHT POLICE DUTY, PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS ARTICLE, SHALL BE DISCONTINUED WITH RESPECT TO SUCH MEMBER IF HE OR SHE SHALL REFUSE TO PERFORM SUCH LIGHT POLICE DUTY IF THE SAME IS AVAILABLE AND OFFERED TO HIM OR HER, PROVIDED, HOWEVER, THAT SUCH LIGHT DUTY SHALL BE CONSISTENT WITH HIS OR HER STATUS AS A MEMBER OF THE PORT AUTHORITY POLICE AND SHALL ENABLE HIM OR HER TO CONTINUE TO BE ENTITLED TO HIS OR HER REGULAR SALARY OR WAGES, INCLUDING INCREASES IF HE OR SHE WERE ABLE TO PERFORM HIS OR HER REGULAR DUTIES.

5. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE OR PERFORMANCE OF DUTY DISABILITY ALLOWANCE, HE OR SHE SHALL NOT BE ENTITLED TO FURTHER PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS ARTICLE, AFTER HE OR SHE SHALL HAVE ATTAINED THE MANDATORY SERVICE RETIREMENT AGE APPLICABLE TO HIM OR HER OR SHALL HAVE SUFFICIENT CREDIBLE POLICE EMPLOYMENT TO QUALIFY FOR A SERVICE RETIREMENT.

6. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY OR CONTAINED IN THIS ARTICLE, A CAUSE OF ACTION SHALL ACCRUE TO THE PORT AUTHORITY POLICE FOR REIMBURSEMENT IN SUCH SUM OR SUMS ACTUALLY PAID AS SALARY OR WAGES AND/OR FOR MEDICAL TREATMENT AND HOSPITAL CARE AS AGAINST ANY THIRD PARTY AGAINST WHOM THE MEMBER SHALL HAVE A CAUSE OF ACTION FOR THE INJURY SUSTAINED OR SICKNESS CAUSED BY SUCH THIRD PARTY.

S 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such

legislation, this act shall take effect immediately; provided that the chair of the port authority of New York and New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.