

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

5008

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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 paid time off for Port Authority police officers who become ill or injured in the performance of their duties

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

1 Section 1. Chapter 154 of the laws of 1921, relating to the Port
2 Authority of New York and New Jersey, is amended by adding a new article
3 23 to read as follows:

4 ARTICLE XXIII

5 1. ANY MEMBER OF THE POLICE DEPARTMENT OF THE PORT AUTHORITY OF NEW
6 YORK AND NEW JERSEY WHO IS INJURED IN THE PERFORMANCE OF HIS OR HER
7 DUTIES OR WHO IS TAKEN SICK AS A RESULT OF THE PERFORMANCE OF HIS OR HER
8 DUTIES SO AS TO NECESSITATE MEDICAL OR OTHER LAWFUL REMEDIAL TREATMENT
9 SHALL BE PAID BY THE PORT AUTHORITY THE FULL AMOUNT OF HIS OR HER REGU-
10 LAR SALARY OR WAGES UNTIL HIS OR HER DISABILITY ARISING THEREFROM HAS
11 CEASED, AND, IN ADDITION THE PORT AUTHORITY SHALL BE LIABLE FOR ALL
12 MEDICAL TREATMENT AND HOSPITAL CARE NECESSITATED BY REASON OF SUCH INJU-
13 RY OR ILLNESS. PROVIDED, HOWEVER, AND NOTWITHSTANDING THE FOREGOING
14 PROVISIONS OF THIS ARTICLE, THE PORT AUTHORITY POLICE HEALTH AUTHORITIES
15 OR ANY PHYSICIAN APPOINTED FOR THE PURPOSE BY THE POLICE DEPARTMENT,
16 AFTER A DETERMINATION HAS FIRST BEEN MADE THAT SUCH INJURY OR SICKNESS
17 WAS INCURRED DURING, OR RESULTED FROM SUCH PERFORMANCE OF DUTY, MAY
18 ATTEND ANY SUCH INJURED OR SICK MEMBER, FROM TIME TO TIME, FOR THE
19 PURPOSE OF PROVIDING MEDICAL, SURGICAL OR OTHER TREATMENT, OR FOR MAKING
20 INSPECTIONS AND THE POLICE DEPARTMENT SHALL NOT BE LIABLE FOR SALARY OR
21 WAGES PAYABLE TO SUCH MEMBER, OR FOR THE COST OF MEDICAL TREATMENT OR
22 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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1 PHYSICIAN SHALL CERTIFY THAT SUCH INJURED OR SICK MEMBER HAS RECOVERED
2 AND IS PHYSICALLY ABLE TO PERFORM HIS OR HER REGULAR DUTIES. ANY INJURED
3 OR SICK MEMBER WHO SHALL REFUSE TO ACCEPT MEDICAL TREATMENT OR HOSPITAL
4 CARE OR SHALL REFUSE TO PERMIT MEDICAL INSPECTIONS AS AUTHORIZED BY THIS
5 SUBDIVISION, INCLUDING EXAMINATIONS PURSUANT TO SECTION 363 OR 363-C OF
6 THE NEW YORK STATE RETIREMENT AND SOCIAL SECURITY LAW, SHALL BE DEEMED
7 TO HAVE WAIVED HIS OR HER RIGHTS UNDER THIS ARTICLE IN RESPECT TO
8 EXPENSES FOR MEDICAL TREATMENT OR HOSPITAL CARE RENDERED AND FOR SALARY
9 OR WAGES PAYABLE AFTER SUCH REFUSAL.

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

15 3. PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED
16 BY SUBDIVISION ONE OF THIS ARTICLE SHALL BE DISCONTINUED WITH RESPECT TO
17 ANY MEMBER OF THE PORT AUTHORITY POLICE WHO IS PERMANENTLY DISABLED AS A
18 RESULT OF AN INJURY OR SICKNESS INCURRED OR RESULTING FROM THE PERFORM-
19 ANCE OF HIS OR HER DUTIES IF SUCH MEMBER IS GRANTED AN ACCIDENTAL DISA-
20 BILITY RETIREMENT ALLOWANCE PURSUANT TO SECTION 363 OF THE NEW YORK
21 STATE RETIREMENT AND SOCIAL SECURITY LAW, OR PERFORMANCE OF DUTY DISA-
22 BILITY ALLOWANCE PURSUANT TO SECTION 363-C OF THE NEW YORK STATE RETIRE-
23 MENT AND SOCIAL SECURITY LAW OR SIMILAR ACCIDENTAL DISABILITY PENSION
24 PROVIDED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. IF APPLICA-
25 TION FOR SUCH RETIREMENT ALLOWANCE OR PENSION IS NOT MADE BY SUCH
26 MEMBER, APPLICATION THEREFOR MAY BE MADE BY THE CHIEF OF THE PORT
27 AUTHORITY POLICE DEPARTMENT.

28 4. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED SUCH ACCI-
29 DENTAL OR PERFORMANCE OF DUTY DISABILITY RETIREMENT PROVIDED FROM THE
30 PENSION FUND AND IS NEVERTHELESS, IN THE OPINION OF SUCH HEALTH AUTHORI-
31 TIES OR PHYSICIAN, UNABLE TO PERFORM HIS OR HER REGULAR DUTIES AS A
32 RESULT OF SUCH INJURY OR SICKNESS BUT IS ABLE, IN THEIR OPINION, TO
33 PERFORM SPECIFIED TYPES OF LIGHT POLICE DUTY, PAYMENT OF THE FULL AMOUNT
34 OF REGULAR SALARY OR WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS ARTI-
35 CLE, SHALL BE DISCONTINUED WITH RESPECT TO SUCH MEMBER IF HE OR SHE
36 SHALL REFUSE TO PERFORM SUCH LIGHT POLICE DUTY IF THE SAME IS AVAILABLE
37 AND OFFERED TO HIM OR HER, PROVIDED, HOWEVER, THAT SUCH LIGHT DUTY SHALL
38 BE CONSISTENT WITH HIS OR HER STATUS AS A MEMBER OF THE PORT AUTHORITY
39 POLICE AND SHALL ENABLE HIM OR HER TO CONTINUE TO BE ENTITLED TO HIS OR
40 HER REGULAR SALARY OR WAGES, INCLUDING INCREASES IF HE OR SHE WERE ABLE
41 TO PERFORM HIS OR HER REGULAR DUTIES.

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

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

55 S 2. This act shall take effect upon the enactment into law by the
56 state of New Jersey of legislation having an identical effect with this

1 act, but if the state of New Jersey shall have already enacted such
2 legislation, this act shall take effect immediately; provided that the
3 chair of the port authority of New York and New Jersey shall notify the
4 legislative bill drafting commission upon the occurrence of the enact-
5 ment of the legislation provided for in section one of this act in order
6 that the commission may maintain an accurate and timely effective data
7 base of the official text of the laws of the state of New York in furth-
8 erance of effectuating the provisions of section 44 of the legislative
9 law and section 70-b of the public officers law.