

532--A

Cal. No. 951

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sens. GALLIVAN, AVELLA, FUNKE, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and Assembly, but not delivered to the Governor, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the civil service law, in relation to members of the state police with injuries or illness incurred in the performance of duties

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

1     Section 1. The civil service law is amended by adding a new section  
2     154-d to read as follows:  
3     S 154-D. PAYMENT OF SALARY, WAGES, MEDICAL AND HOSPITAL EXPENSES OF  
4     MEMBERS OF THE STATE POLICE WITH INJURIES OR ILLNESS INCURRED IN THE  
5     PERFORMANCE OF DUTIES. 1. ANY MEMBER OF THE STATE POLICE WHO IS INJURED  
6     IN THE PERFORMANCE OF HIS OR HER DUTIES OR WHO IS TAKEN SICK AS A RESULT  
7     OF THE PERFORMANCE OF HIS OR HER DUTIES SO AS TO NECESSITATE MEDICAL OR  
8     OTHER LAWFUL REMEDIAL TREATMENT SHALL BE PAID BY THE DIVISION OF STATE  
9     POLICE THE FULL AMOUNT OF HIS OR HER REGULAR SALARY OR WAGES UNTIL HIS  
10    OR HER DISABILITY ARISING THEREFROM HAS CEASED, AND, IN ADDITION THE  
11    DIVISION OF STATE POLICE SHALL BE LIABLE FOR ALL MEDICAL TREATMENT AND  
12    HOSPITAL CARE NECESSITATED BY REASON OF SUCH INJURY OR ILLNESS.  
13    PROVIDED, HOWEVER, AND NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS  
14    SECTION, THE DIVISION OF STATE POLICE HEALTH AUTHORITIES OR ANY PHYSI-  
15    CIAN APPOINTED FOR THE PURPOSE BY THE DIVISION OF STATE POLICE, AFTER A  
16    DETERMINATION HAS FIRST BEEN MADE THAT SUCH INJURY OR SICKNESS WAS

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

LBD01041-02-6

1 INCURRED DURING, OR RESULTED FROM, SUCH PERFORMANCE OF DUTY, MAY ATTEND  
2 ANY SUCH INJURED OR SICK MEMBER, FROM TIME TO TIME, FOR THE PURPOSE OF  
3 PROVIDING MEDICAL, SURGICAL OR OTHER TREATMENT, OR FOR MAKING  
4 INSPECTIONS AND THE DIVISION OF STATE POLICE SHALL NOT BE LIABLE FOR  
5 SALARY OR WAGES PAYABLE TO SUCH MEMBER, OR FOR THE COST OF MEDICAL  
6 TREATMENT OR HOSPITAL CARE FURNISHED AFTER SUCH DATE AS SUCH HEALTH  
7 AUTHORITIES OR PHYSICIAN SHALL CERTIFY THAT SUCH INJURED OR SICK MEMBER  
8 HAS RECOVERED AND IS PHYSICALLY ABLE TO PERFORM HIS OR HER REGULAR  
9 DUTIES. ANY INJURED OR SICK MEMBER WHO SHALL REFUSE TO ACCEPT MEDICAL  
10 TREATMENT OR HOSPITAL CARE OR SHALL REFUSE TO PERMIT MEDICAL INSPECTIONS  
11 AS AUTHORIZED BY THIS SUBDIVISION, INCLUDING EXAMINATIONS PURSUANT TO  
12 SECTION THREE HUNDRED SIXTY-THREE-B OR THREE HUNDRED SIXTY-THREE-BB OF  
13 THE RETIREMENT AND SOCIAL SECURITY LAW, SHALL BE DEEMED TO HAVE WAIVED  
14 HIS OR HER RIGHTS UNDER THIS SECTION IN RESPECT TO EXPENSES FOR MEDICAL  
15 TREATMENT OR HOSPITAL CARE RENDERED AND FOR SALARY OR WAGES PAYABLE  
16 AFTER SUCH REFUSAL.

17 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PROVIDER OF  
18 MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED PURSUANT TO THE PROVISIONS  
19 OF THIS SECTION SHALL NOT COLLECT OR ATTEMPT TO COLLECT REIMBURSEMENT  
20 FOR SUCH TREATMENT OR CARE FROM ANY SUCH MEMBER OF THE STATE POLICE.

21 2. PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED  
22 BY SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT  
23 TO ANY MEMBER OF THE STATE POLICE WHO IS PERMANENTLY DISABLED AS A  
24 RESULT OF AN INJURY OR SICKNESS INCURRED OR RESULTING FROM THE PERFORM-  
25 ANCE OF HIS OR HER DUTIES IF SUCH MEMBER IS GRANTED AN ACCIDENTAL DISA-  
26 BILITY RETIREMENT ALLOWANCE PURSUANT TO SECTION THREE HUNDRED  
27 SIXTY-THREE-BB OF THE RETIREMENT AND SOCIAL SECURITY LAW, A STATE POLICE  
28 DISABILITY ALLOWANCE PURSUANT TO SECTION THREE HUNDRED SIXTY-THREE-B OF  
29 THE RETIREMENT AND SOCIAL SECURITY LAW OR SIMILAR ACCIDENTAL DISABILITY  
30 PENSION PROVIDED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. IF  
31 APPLICATION FOR SUCH RETIREMENT ALLOWANCE OR PENSION IS NOT MADE BY SUCH  
32 MEMBER, APPLICATION THEREFOR MAY BE MADE BY THE SUPERINTENDENT OF STATE  
33 POLICE.

34 3. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED SUCH ACCI-  
35 DENTAL DISABILITY RETIREMENT ALLOWANCE OR STATE POLICE DISABILITY ALLOW-  
36 ANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION AND IS NEVERTHELESS, IN  
37 THE OPINION OF SUCH HEALTH AUTHORITIES OR PHYSICIAN, UNABLE TO PERFORM  
38 HIS OR HER REGULAR DUTIES AS A RESULT OF SUCH INJURY OR SICKNESS BUT IS  
39 ABLE, IN THEIR OPINION, TO PERFORM SPECIFIED TYPES OF LIGHT POLICE DUTY,  
40 PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY  
41 SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT TO  
42 SUCH MEMBER IF HE OR SHE SHALL REFUSE TO PERFORM SUCH LIGHT POLICE DUTY  
43 IF THE SAME IS AVAILABLE AND OFFERED TO HIM OR HER, PROVIDED, HOWEVER,  
44 THAT SUCH LIGHT DUTY SHALL BE CONSISTENT WITH HIS OR HER STATUS AS A  
45 MEMBER OF THE STATE POLICE AND SHALL ENABLE HIM OR HER TO CONTINUE TO BE  
46 ENTITLED TO HIS OR HER REGULAR SALARY OR WAGES, INCLUDING INCREASES  
47 THEREOF AND FRINGE BENEFITS, TO WHICH HE OR SHE WOULD HAVE BEEN ENTITLED  
48 IF HE OR SHE WERE ABLE TO PERFORM HIS OR HER REGULAR DUTIES.

49 4. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED AN ACCI-  
50 DENTAL DISABILITY RETIREMENT ALLOWANCE OR STATE POLICE DISABILITY ALLOW-  
51 ANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION, HE OR SHE SHALL NOT BE  
52 ENTITLED TO FURTHER PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR  
53 WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, AFTER HE OR SHE  
54 SHALL HAVE ATTAINED THE MANDATORY SERVICE RETIREMENT AGE APPLICABLE TO  
55 HIM OR HER OR SHALL HAVE ATTAINED THE AGE OR PERFORMED THE PERIOD OF

1 SERVICE SPECIFIED BY APPLICABLE LAW FOR THE TERMINATION OF HIS OR HER  
2 SERVICE.  
3 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY OR CONTAINED  
4 IN THIS SECTION, A CAUSE OF ACTION SHALL ACCRUE TO THE DIVISION OF STATE  
5 POLICE FOR REIMBURSEMENT IN SUCH SUM OR SUMS ACTUALLY PAID AS SALARY OR  
6 WAGES AND/OR FOR MEDICAL TREATMENT AND HOSPITAL CARE AS AGAINST ANY  
7 THIRD PARTY AGAINST WHOM THE MEMBER SHALL HAVE A CAUSE OF ACTION FOR THE  
8 INJURY SUSTAINED OR SICKNESS CAUSED BY SUCH THIRD PARTY.  
9 S 2. This act shall take effect on the ninetieth day after it shall  
10 have become a law.