STATE OF NEW YORK

1644

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. SKOUFIS, MOSLEY, GUNTHER, HEVESI, AUBRY, SKARTADOS, BRINDISI, BENEDETTO, CUSICK, BRONSON, GIGLIO, GRAF, RAIA, FAHY, STECK, PERRY, HOOPER, COLTON, MOYA, HAWLEY, STIRPE, SEPULVEDA, PALMESANO -- Multi-Sponsored by -- M. of A. COOK, FARRELL, KOLB, SALADINO, WALTER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the state finance law, in relation to compensation and medical expenses of certain injured state employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state finance law is amended by adding a new section 209-c to read as follows:

§ 209-c. Payment of salary, wages, medical and hospital expenses of employees in the parole officer series titles, herein after called parole officers. 1. Any employee in the parole officer title series, in the department of corrections and community supervision 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 state the full amount of his or her regular salary or wages for the duration of his or her leave for occupational injury or disease as provided by section seventy-one of the civil service law and, in addition the state 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 section, the state health authorities or any physician appointed for the purpose by the state, 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 parole officer, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the state shall not be liable for salary or wages paya-

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

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ble to such parole officer, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick parole officer has recovered and is physically able to perform his or her regular duties. Any injured or sick parole officer who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized shall be deemed to have waived his or her rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such parole officer.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any parole officer 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 parole officer is granted an accidental disability retirement allowance pursuant to section sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance 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 parole officer, application therefor may be made by the commissioner of the department of corrections and community supervision.

3. If such a parole officer is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension 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 parole officer duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such parole officer if he or she shall refuse to perform such light parole officer 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 parole officer and shall enable him or her to continue to be entitled to his or her regular salary or wages, including increases thereof and fringe benefits, to which he or she would have been entitled if he or she were able to perform his or her regular duties.

4. The appropriate department of corrections and community supervision officials may transfer such a parole officer to a position in another unit or office within the department where they are able to do so pursuant to applicable civil service requirements and provided the parole officer shall consent thereto.

5. If such a parole officer is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension, 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 section, after he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service.

6. Notwithstanding any provision of law to the contrary, a cause of action shall accrue to the state 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 parole officer shall have a cause of action for the injury sustained or sickness caused by such third party.

7. Nothing herein shall waive, modify, or limit any rights or benefits provided by the workers' compensation law to covered parole officers which exceed the benefits contained herein or continue beyond the term of a covered parole officer's leave for occupational injury or disease as provided by section seventy-one of the civil service law.

§ 2. This act shall take effect immediately.