

STATE OF NEW YORK

2516

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sens. GALLIVAN, ROBACH -- read twice and ordered printed,
and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers

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

1 Section 1. Subdivision 1 of section 207-c of the general municipal
2 law, as amended by section 1 of chapter 522 of the laws of 2015, is
3 amended to read as follows:

4 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
5 the sheriff's department of any county (hereinafter referred to as a
6 "[~~policeman~~ police officer") or any member of a police force of any
7 county, city of less than one million population, town or village, or of
8 any district, agency, board, body or commission thereof, or a detective-investigator or any other investigator who is a police officer
9 pursuant to the provisions of the criminal procedure law employed in the
10 office of a district attorney of any county, or any corrections officer
11 of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any
12 detention officer employed by the city of Yonkers, or any supervising
13 fire inspector, fire inspector, fire marshal or assistant fire marshal
14 employed full-time in the county of Nassau fire marshal's office, or at
15 the option of [~~the~~ any county [~~of Nassau~~], any county probation officer
16 [~~of the county of Nassau~~] who is injured in the performance of his or
17 her duties or who is taken sick as a result of the performance of his or
18 her duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality by which he or she is employed
19 the full amount of his or her regular salary or wages until his or her
20 disability arising therefrom has ceased, and, in addition such municipality shall be liable for all medical treatment and hospital care
21 necessitated by reason of such injury or illness. Provided, however,
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 and notwithstanding the foregoing provisions of this section, the munic-
2 ipal health authorities or any physician appointed for the purpose by
3 the municipality, after a determination has first been made that such
4 injury or sickness was incurred during, or resulted from, such perform-
5 ance of duty, may attend any such injured or sick [~~police~~man] police
6 officer, from time to time, for the purpose of providing medical, surgi-
7 cal or other treatment, or for making inspections and the municipality
8 shall not be liable for salary or wages payable to such [~~police~~man]
9 police officer, or for the cost of medical treatment or hospital care
10 furnished after such date as such health authorities or physician shall
11 certify that such injured or sick [~~police~~man] police officer has recov-
12 ered and is physically able to perform his or her regular duties. Any
13 injured or sick [~~police~~man] police officer who shall refuse to accept
14 medical treatment or hospital care or shall refuse to permit medical
15 inspections as herein authorized[, ~~including examinations pursuant to~~
16 ~~subdivision two of this section,~~] shall be deemed to have waived his or
17 her rights under this section in respect to expenses for medical treat-
18 ment or hospital care rendered and for salary or wages payable after
19 such refusal.

20 Notwithstanding any provision of law to the contrary, a provider of
21 medical treatment or hospital care furnished pursuant to the provisions
22 of this section shall not collect or attempt to collect reimbursement
23 for such treatment or care from any such [~~police~~man] police officer, a
24 member of a police force of any county, city, any such advanced ambu-
25 lance medical technician, any such detention officer or any such detec-
26 tive-investigator or any other such investigator who is a police officer
27 pursuant to the provisions of the criminal procedure law.

28 § 2. Subdivision 1 of section 207-c of the general municipal law, as
29 amended by section 2 of chapter 522 of the laws of 2015, is amended to
30 read as follows:

31 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
32 the sheriff's department of any county or any member of a police force
33 of any county, city of less than one million population, town or
34 village, or of any district, agency, board, body or commission thereof,
35 or any LIRR police officer as defined in paragraph two of subdivision a
36 of section three hundred eighty-nine of the retirement and social secu-
37 rity law whose benefits are provided in and pursuant to such section
38 three hundred eighty-nine, or a detective-investigator or any other
39 investigator who is a police officer pursuant to the provisions of the
40 criminal procedure law employed in the office of a district attorney of
41 any county, or any corrections officer of the county of Erie department
42 of corrections, or an advanced ambulance medical technician employed by
43 the county of Nassau, or any detention officer employed by the city of
44 Yonkers, or any supervising fire inspector, fire inspector, fire
45 marshal, or assistant fire marshal employed full-time in the county of
46 Nassau fire marshal's office, or at the option of [~~the~~] any county [~~of~~
47 ~~Nassau~~], any county probation officer [~~of the county of Nassau~~] who is
48 injured in the performance of his or her duties or who is taken sick as
49 a result of the performance of his or her duties so as to necessitate
50 medical or other lawful remedial treatment shall be paid by the munic-
51 ipality or The Long Island Rail Road Company by which he or she is
52 employed the full amount of his or her regular salary or wages from such
53 employer until his or her disability arising therefrom has ceased, and,
54 in addition such municipality or The Long Island Rail Road Company shall
55 be liable for all medical treatment and hospital care necessitated by
56 reason of such injury or illness. Provided, however, and notwithstand-

1 ing the foregoing provisions of this section, the municipal or The Long
2 Island Rail Road Company health authorities or any physician appointed
3 for the purpose by the municipality or The Long Island Rail Road Compa-
4 ny, as relevant, after a determination has first been made that such
5 injury or sickness was incurred during, or resulted from, such perform-
6 ance of duty, may attend any such injured or sick [~~policeman~~] police
7 officer, from time to time, for the purpose of providing medical, surgi-
8 cal or other treatment, or for making inspections, and the municipality
9 or The Long Island Rail Road Company, as the case may be, shall not be
10 liable for salary or wages payable to such [~~policeman~~] police officer,
11 or for the cost of medical treatment or hospital care furnished after
12 such date as such health authorities or physician shall certify that
13 such injured or sick [~~policeman~~] police officer has recovered and is
14 physically able to perform his or her regular duties. Any injured or
15 sick [~~policeman~~] police officer who shall refuse to accept medical
16 treatment or hospital care or shall refuse to permit medical inspections
17 as herein authorized[~~, including examinations pursuant to subdivision~~
18 ~~two of this section,~~] shall be deemed to have waived his or her rights
19 under this section in respect to expenses for medical treatment or
20 hospital care rendered and for salary or wages payable after such
21 refusal.

22 Notwithstanding any provision of law to the contrary, a provider of
23 medical treatment or hospital care furnished pursuant to the provisions
24 of this section shall not collect or attempt to collect reimbursement
25 for such treatment or care from any such [~~policeman~~] police officer, any
26 such advanced ambulance medical technician or any such detention offi-
27 cer.

28 § 3. This act shall take effect immediately; provided, that the amend-
29 ments to subdivision 1 of section 207-c of the general municipal law
30 made by section one of this act shall be subject to the expiration and
31 reversion of such subdivision pursuant to section 7 of chapter 628 of
32 the laws of 1991, as amended, when upon such date the provisions of
33 section two of this act shall take effect.