STATE OF NEW YORK

6898

2017-2018 Regular Sessions

IN SENATE

October 4, 2017

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to sick leave for officers and employees with a qualifying World Trade Center condition; to amend the civil service law, in relation to the review of certain claims; and to amend chapter 273 of the laws of 2017 amending the general municipal law, relating to granting sick leave for officers and employees with a qualifying World Trade Center condition, in relation to the reimbursement of any public authority or municipal corporation of less than one million people for the cost of certain line of duty sick leave

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

Section 1. Section 92-d of the general municipal law, as added by chapter 273 of the laws of 2017, is amended to read as follows:

§ 92-d. Sick leave for officers and employees with a qualifying World Trade Center condition. **1.** Notwithstanding any other law, rule or regulation to the contrary, officers and employees of the state, a public authority or any municipal corporation outside of a city with a population of one million or more who filed a notice of participation in World Trade Center rescue, recovery or cleanup operations and subsequently develop a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, while employed by the state, a public authority or such municipal corporation [~~or public authority~~] shall be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the offi-

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

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cer or employee is absent from work. Such leave shall be provided without loss of an officer or employee's accrued sick leave.

2. For purposes of this section, "cost" shall mean the number of days of sick leave that must be restored to an officer or employee pursuant to subdivision one of this section multiplied by such officer or employee's wage rate at the time that such sick leave for which reimbursement is being sought was taken. "Cost" shall not include any sick time taken by an officer or employee before such officer or employee filed his or her notice of participation in World Trade Center rescue, recovery or cleanup operations.

3. Notwithstanding any provision of law to the contrary, upon request from the state, public authority or municipal corporation outside of a city with a population of one million or more for a copy of a notice of participation in World Trade Center rescue, recovery or cleanup operations for an officer or employee, the retirement system in which such officer or employee is a member and to which such officer or employee filed his or her notice of participation in World Trade Center rescue, recovery or cleanup operations in accordance with paragraph (a) of subdivision thirty-six of section two of the retirement and social security law, such retirement system shall provide a verified copy of such filed notice of participation that includes the date that such notice was received to such requestor. A copy of such verified notice of participation shall be filed with any claim for reimbursement submitted to the civil service commission pursuant to subdivision four of this section. Except as required for filing and review purposes, such verified notice of participation and all copies of such verified notice shall be confidential and not subject to disclosure pursuant to article six of the public officers law.

4. Such public authority or municipal corporation shall submit any claim for reimbursement under this section to the civil service commission. In accordance with subdivision one-a of section six of the civil service law, the civil service commission shall review each claim to determine if such claim shall be approved, reduced, amended or rejected and shall notify such public authority or municipal corporation, within sixty days of receipt of such claim, as to its determination. Such public authority or municipal corporation shall notify the civil service commission within thirty days after receipt of the civil service commission's notification, as to its acceptance or rejection of such determination. Failure to so notify the civil service commission shall constitute an acceptance of the determination. If accepted by such public authority or municipal corporation, such acceptance shall constitute the final and conclusive determination for such claim. If rejected by such public authority or municipal corporation, such public authority or municipal corporation shall resubmit its claim, within thirty days after receipt of the civil service commission's notification, together with its reasons for objection and any additional documentation which may justify its claim. Upon receipt of a resubmitted claim, the civil service commission shall review such claim and within sixty days of receipt of such resubmitted claim, make a final determination as to the amount to be approved for such claim. If such public authority or municipal corporation shall dispute such final determination it may commence an action, within sixty days of such final determination, in the court of claims which shall have jurisdiction to adjudicate the claim and enter judgment, which judgment shall be a final determination for purposes of this section and shall be payable in accordance with the provisions of sections three and four of this chapter.

5. The civil service commission shall certify all claims for which a final determination has been made. The civil service commission shall submit all claims certified to the comptroller of the department of audit and control on or before the first day of the immediately succeeding month during which such claim was certified.

6. All claims certified by the civil service commission shall be paid monthly and shall be paid upon a warrant from the comptroller.

§ 2. Section 6 of the civil service law is amended by adding a new subdivision 1-a to read as follows:

1-a. Have the power to review claims for reimbursement submitted by public authorities or municipal corporations outside of a city with a population of a million or more pursuant to section ninety-two-d of the general municipal law to determine if such claim shall be approved, reduced, amended or rejected. Such review and determination shall be made in accordance with section ninety-two-d of the general municipal law.

§ 3. Section 2 of chapter 273 of the laws of 2017, amending the general municipal law relating to granting sick leave for officers and employees with a qualified World Trade Center condition, is amended to read as follows:

§ 2. The state shall reimburse any public authority or municipal corporation of less than one million people for the cost of any line duty sick leave granted pursuant to this act. **Such reimbursement shall be made in accordance with the provisions of section 92-d of the general municipal law.**

§ 4. This act shall take effect immediately and shall apply to all claims for reimbursement filed pursuant to section one of this act.