STATE OF NEW YORK

IN ASSEMBLY

April 8, 2020

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to establishing a coronavirus disease 2019 (COVID-19) presumption for accidental disability retirement and accidental death benefits

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

Section 1. The retirement and social security law is amended by adding a new section 63-g to read as follows:

§ 63-g. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death: (1) was the natural and proximate result of an accident not caused by such member's own willful negligence; and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

Section 2. The retirement and social security law is amended by adding a new section 363-ddd to read as follows:

§ 363-ddd. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death: (1) was the natural and proximate result of an accident not caused by such member's own willful negligence; and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

§ 3. The retirement and social security law is amended by adding a new section 507-j to read as follows:

§ 507-j. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death: (1) was the natural and proximate result of an accident not caused by such member's own willful negligence; and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

§ 4. The retirement and social security law is amended by adding a new section 605-f to read as follows:

§ 605-f. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death: (1) was the natural and proximate result of an accident not caused by such member's own willful negligence; and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

§ 5. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 6. This act shall take effect immediately.