

STATE OF NEW YORK

3818

2019-2020 Regular Sessions

IN SENATE

February 15, 2019

Introduced by Sens. GOUNARDES, KAMINSKY -- 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 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 the qualifying World Trade Center condition, in relation to sick leave for officers and employees with a qualifying World Trade Center condition

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

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

3 § 92-d. Sick leave for officers and employees with a qualifying World
4 Trade Center condition. (a) Notwithstanding any other law, rule or regu-
5 lation to the contrary, officers and employees of the state, a public
6 authority or any municipal corporation outside of a city with a popu-
7 lation of one million or more who filed a notice of participation in
8 World Trade Center rescue, recovery or cleanup operations and subse-
9 quently develop a qualifying World Trade Center condition, as defined in
10 section two of the retirement and social security law, [~~while employed~~
11 ~~by the state, a public authority or such municipal corporation or public~~
12 ~~authority~~] shall be granted line of duty sick leave commencing on the
13 date that such employee was diagnosed with a qualifying World Trade
14 Center condition regardless of whether such officer or employee was
15 employed by his or her current employer at the time that such officer or
16 employee participated in World Trade Center rescue, recovery or cleanup
17 operations. The officer or employee shall be compensated at his or her
18 regular rate of pay for those regular work hours during which the offi-
19 cer or employee is absent from work due to his or her qualifying World
20 Trade Center condition. Such leave shall be provided without loss of an
21 officer or employee's accrued sick leave.

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

LBD09970-01-9

1 (b) A public employer shall not take any adverse personnel action
2 against a public employee regarding the employee's employment because
3 either (1) the employee utilizes, or requests to utilize, sick leave or
4 any other available leave due to a qualifying World Trade Center condi-
5 tion, as such term is defined in section two of the retirement and
6 social security law, or (2) the employee utilizes or requests to utilize
7 line of duty sick leave provided by this section.

8 (c) For purposes of this section, an "adverse personnel action" means
9 any discipline, including issuing a notice of discipline, discharge,
10 suspension, demotion, penalization, or discrimination against an employ-
11 ee utilizing line of duty sick leave pursuant to subdivision (a) of this
12 section.

13 § 2. Section 2 of chapter 273 of the laws of 2017, amending the gener-
14 al municipal law relating to granting sick leave for officers and
15 employees with a qualifying World Trade Center condition, is amended to
16 read as follows:

17 § 2. The state shall reimburse any public authority or municipal
18 corporation [~~of less than~~] other than a city with a population of one
19 million people for the cost of any line duty sick leave granted pursuant
20 to this act.

21 § 3. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on the same date as chapter 273 of
23 the laws of 2017, took effect; and provided that this act shall apply to
24 all claims for reimbursement filed pursuant to section 92-d of the
25 general municipal law, as amended by this act.