STATE OF NEW YORK

68

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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

AN ACT to amend the state finance law, in relation to the 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 certain employees. For the purpose of this section, the term "employee" shall mean a state employee in the parole revocation specialist title series, revenue crime specialist title series or investigative officer title series.

1. Any employee 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 employee, 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 payable to such employee, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or

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

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physician shall certify that such injured or sick employee has recovered and is physically able to perform his or her regular duties. Any injured or sick employee who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as authorized by this subdivision 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 employee.

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 employee 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 employee 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 employee, application therefor may be made by the agency head.

3. If such employee 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 employee 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 employee if he or she shall refuse to perform such light 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 an employee 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 agency officials may transfer such employee 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 employee shall consent thereto.

5. If such employee 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 employee shall have

a cause of action for the injury sustained or sickness caused by such third party.

7. Nothing in this section shall waive, modify, or limit any rights or benefits provided by the workers' compensation law to covered employees which exceed the benefits contained herein or continue beyond the term of a covered employee'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.