

# STATE OF NEW YORK

10239

## 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:

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

3 § 63-g. Impairments of health due to COVID-19; presumption; accidental  
4 disability retirement. Notwithstanding any other provisions of this  
5 chapter or of any general, special or local law to the contrary, any  
6 condition of impairment of health caused by, or naturally and proximate-  
7 ly related to, COVID-19, resulting in partial or total disability or  
8 death to any member, where such member is exposed or comes into contact  
9 with COVID-19 and tests positive for COVID-19, shall be presumptive  
10 evidence that such disability or death: (1) was the natural and proximi-  
11 mate result of an accident not caused by such member's own willful  
12 negligence; and (2) was incurred in the performance and discharge of  
13 duty and unless the contrary be proved by competent evidence. Any member  
14 that becomes partially or totally disabled in accordance with this  
15 section shall be eligible for an accidental disability retirement allow-  
16 ance equal to three-quarters of his or her final average salary. Such  
17 accidental disability retirement allowance shall not be reduced by the  
18 amount of any benefits payable pursuant to the workers' compensation  
19 law.

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

22 § 363-ddd. Impairments of health due to COVID-19; presumption; acci-  
23 dental disability retirement. Notwithstanding any other provisions of  
24 this chapter or of any general, special or local law to the contrary,  
25 any condition of impairment of health caused by, or naturally and proximi-  
26 mately related to, COVID-19, resulting in partial or total disability or  
27 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.

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1 with COVID-19 and tests positive for COVID-19, shall be presumptive  
2 evidence that such disability or death: (1) was the natural and proximi-  
3 mate result of an accident not caused by such member's own willful  
4 negligence; and (2) was incurred in the performance and discharge of  
5 duty and unless the contrary be proved by competent evidence. Any member  
6 that becomes partially or totally disabled in accordance with this  
7 section shall be eligible for an accidental disability retirement allow-  
8 ance equal to three-quarters of his or her final average salary. Such  
9 accidental disability retirement allowance shall not be reduced by the  
10 amount of any benefits payable pursuant to the workers' compensation  
11 law.

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

14 § 507-j. Impairments of health due to COVID-19; presumption; acci-  
15 dental disability retirement. Notwithstanding any other provisions of  
16 this chapter or of any general, special or local law to the contrary,  
17 any condition of impairment of health caused by, or naturally and proximi-  
18 ately related to, COVID-19, resulting in partial or total disability or  
19 death to any member, where such member is exposed or comes into contact  
20 with COVID-19 and tests positive for COVID-19, shall be presumptive  
21 evidence that such disability or death: (1) was the natural and proximi-  
22 mate result of an accident not caused by such member's own willful  
23 negligence; and (2) was incurred in the performance and discharge of  
24 duty and unless the contrary be proved by competent evidence. Any member  
25 that becomes partially or totally disabled in accordance with this  
26 section shall be eligible for an accidental disability retirement allow-  
27 ance equal to three-quarters of his or her final average salary. Such  
28 accidental disability retirement allowance shall not be reduced by the  
29 amount of any benefits payable pursuant to the workers' compensation  
30 law.

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

33 § 605-f. Impairments of health due to COVID-19; presumption; acci-  
34 dental disability retirement. Notwithstanding any other provisions of  
35 this chapter or of any general, special or local law to the contrary,  
36 any condition of impairment of health caused by, or naturally and proximi-  
37 ately related to, COVID-19, resulting in partial or total disability or  
38 death to any member, where such member is exposed or comes into contact  
39 with COVID-19 and tests positive for COVID-19, shall be presumptive  
40 evidence that such disability or death: (1) was the natural and proximi-  
41 mate result of an accident not caused by such member's own willful  
42 negligence; and (2) was incurred in the performance and discharge of  
43 duty and unless the contrary be proved by competent evidence. Any member  
44 that becomes partially or totally disabled in accordance with this  
45 section shall be eligible for an accidental disability retirement allow-  
46 ance equal to three-quarters of his or her final average salary. Such  
47 accidental disability retirement allowance shall not be reduced by the  
48 amount of any benefits payable pursuant to the workers' compensation  
49 law.

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

53 § 6. This act shall take effect immediately.