

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.