

# STATE OF NEW YORK

7657

2019-2020 Regular Sessions

## IN ASSEMBLY

May 14, 2019

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

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:

1 Section 1. The state finance law is amended by adding a new section  
2 209-c to read as follows:

3 § 209-c. Payment of salary, wages, medical and hospital expenses of  
4 certain employees. For the purpose of this section, the term "employee"  
5 shall mean a state employee in the parole revocation specialist title  
6 series, revenue crime specialist title series or investigative officer  
7 title series.

8 1. Any employee who is injured in the performance of his or her duties  
9 or who is taken sick as a result of the performance of his or her duties  
10 so as to necessitate medical or other lawful remedial treatment shall be  
11 paid by the state the full amount of his or her regular salary or wages  
12 for the duration of his or her leave for occupational injury or disease  
13 as provided by section seventy-one of the civil service law and, in  
14 addition the state shall be liable for all medical treatment and hospi-  
15 tal care necessitated by reason of such injury or illness. Provided,  
16 however, and notwithstanding the foregoing provisions of this section,  
17 the state health authorities or any physician appointed for the purpose  
18 by the state, after a determination has first been made that such injury  
19 or sickness was incurred during, or resulted from, such performance of  
20 duty, may attend any such injured or sick employee, from time to time,  
21 for the purpose of providing medical, surgical or other treatment, or  
22 for making inspections and the state shall not be liable for salary or  
23 wages payable to such employee, or for the cost of medical treatment or  
24 hospital care furnished after such date as such health authorities or  
25 physician shall certify that such injured or sick employee has recovered

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

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1 and is physically able to perform his or her regular duties. Any  
2 injured or sick employee who shall refuse to accept medical treatment or  
3 hospital care or shall refuse to permit medical inspections as author-  
4 ized by this subdivision shall be deemed to have waived his or her  
5 rights under this section in respect to expenses for medical treatment  
6 or hospital care rendered and for salary or wages payable after such  
7 refusal.

8 Notwithstanding any provision of law to the contrary, a provider of  
9 medical treatment or hospital care furnished pursuant to the provisions  
10 of this section shall not collect or attempt to collect reimbursement  
11 for such treatment or care from any such employee.

12 2. Payment of the full amount of regular salary or wages, as provided  
13 by subdivision one of this section, shall be discontinued with respect  
14 to any employee who is permanently disabled as a result of an injury or  
15 sickness incurred or resulting from the performance of his or her duties  
16 if such employee is granted an accidental disability retirement allow-  
17 ance pursuant to section sixty-three of the retirement and social secu-  
18 rity law, a retirement for disability incurred in performance of duty  
19 allowance or similar accidental disability pension provided by the  
20 pension fund of which he or she is a member. If application for such  
21 retirement allowance or pension is not made by such employee, applica-  
22 tion therefor may be made by the agency head.

23 3. If such employee is not eligible for or is not granted such acci-  
24 dental disability retirement allowance or retirement for disability  
25 incurred in performance of duty allowance or similar accidental disabili-  
26 ty pension and is nevertheless, in the opinion of such health authori-  
27 ties or physician, unable to perform his or her regular duties as a  
28 result of such injury or sickness but is able, in their opinion, to  
29 perform specified types of light employee duty, payment of the full  
30 amount of regular salary or wages, as provided by subdivision one of  
31 this section, shall be discontinued with respect to such employee if he  
32 or she shall refuse to perform such light duty if the same is available  
33 and offered to him or her; provided, however, that such light duty shall  
34 be consistent with his or her status as an employee and shall enable him  
35 or her to continue to be entitled to his or her regular salary or wages,  
36 including increases thereof and fringe benefits, to which he or she  
37 would have been entitled if he or she were able to perform his or her  
38 regular duties.

39 4. The appropriate agency officials may transfer such employee to a  
40 position in another unit or office within the department where they are  
41 able to do so pursuant to applicable civil service requirements and  
42 provided the employee shall consent thereto.

43 5. If such employee is not eligible for or is not granted an acci-  
44 dental disability retirement allowance or retirement for disability  
45 incurred in performance of duty allowance or similar accidental disabili-  
46 ty pension, he or she shall not be entitled to further payment of the  
47 full amount of regular salary or wages, as provided by subdivision one  
48 of this section, after he or she shall have attained the mandatory  
49 service retirement age applicable to him or her or shall have attained  
50 the age or performed the period of service specified by applicable law  
51 for the termination of his or her service.

52 6. Notwithstanding any provision of law to the contrary, a cause of  
53 action shall accrue to the state for reimbursement in such sum or sums  
54 actually paid as salary or wages and/or for medical treatment and hospi-  
55 tal care as against any third party against whom the employee shall have

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

3 7. Nothing in this section shall waive, modify, or limit any rights or  
4 benefits provided by the workers' compensation law to covered employees  
5 which exceed the benefits contained herein or continue beyond the term  
6 of a covered employee's leave for occupational injury or disease as  
7 provided by section seventy-one of the civil service law.

8 § 2. This act shall take effect immediately.