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:

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

§ 92-d. Sick leave for officers and employees with a qualifying World Trade Center condition. **(a)** Notwithstanding any other law, rule or regulation to the contrary, officers and employees of the state, a public authority or any municipal corporation outside of a city with a population of one million or more who filed a notice of participation in World Trade Center rescue, recovery or cleanup operations and subsequently develop a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, [~~while employed by the state, a public authority or such municipal corporation or public authority~~] shall be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work **due to his or her qualifying World Trade Center condition**. Such leave shall be provided without loss of an officer or employee's accrued sick leave.

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

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

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

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

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

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