

STATE OF NEW YORK

1009

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the workers' compensation law and the volunteer firefighters' benefit law, in relation to requiring the state to provide reimbursement of certain costs and benefits incurred as a result of an injury occurring during a mutual aid call

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 10 of the workers' compensation
2 law is renumbered subdivision 5 and a new subdivision 4 is added to read
3 as follows:

4 4. If a paid firefighter or paid fire truck driver in the course of
5 responding to a mutual aid call suffers an injury causally related to
6 such mutual aid call and incurs costs for medical treatment, lost time
7 from his or her position, reduced earnings or any other cost payable
8 under this chapter, the state shall reimburse the municipality employing
9 the firefighter or fire truck driver for all such costs. In addition,
10 should a municipality incur overtime costs due to a mutual aid call,
11 whether or not an injury occurs, the state shall reimburse the munici-
12 pality for such overtime costs. Reimbursement under this subdivision
13 shall not exceed the actual cost incurred. Each municipality that seeks
14 reimbursement pursuant to this subdivision shall submit its claims for
15 reimbursement on forms approved by and in accordance with rules and
16 regulations promulgated by the commissioners.

17 § 2. Section 30 of the volunteer firefighters' benefit law is amended
18 by adding a new subdivision 13 to read as follows:

19 13. If a volunteer firefighter in the course of responding to a mutual
20 aid call suffers an injury causally related to such mutual aid call and
21 incurs costs for medical treatment, lost time from his or her position,
22 loss of earnings or any other cost payable under this chapter, the state

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

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1 shall reimburse the fire department the firefighter volunteers with for
2 all such costs. Reimbursement under this subdivision shall not exceed
3 the actual cost incurred. Each fire department that seeks reimbursement
4 pursuant to this subdivision shall submit its claims for reimbursement
5 on forms approved by and in accordance with rules and regulations
6 promulgated by the commissioners of the state insurance fund of the
7 department of labor of the state of New York.

8 § 3. This act shall take effect on the sixtieth day after it shall
9 have become a law and shall apply to costs incurred during mutual aid
10 calls occurring on and after such effective date. Effective immediately
11 the addition, amendment and/or repeal of any rule or regulation neces-
12 sary for the implementation of this act on its effective date are
13 authorized to be made and completed on or before such date.