

# STATE OF NEW YORK

4255

2023-2024 Regular Sessions

## IN SENATE

February 7, 2023

Introduced by Sen. ASHBY -- 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, in relation to allowing first responders who are diagnosed with post-traumatic stress disorder to request line of duty sick leave

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

1 Section 1. The general municipal law is amended by adding a new  
2 section 92-e to read as follows:

3 § 92-e. Sick leave for first responders with PTSD. 1. Notwithstanding  
4 any other law, rule, or regulation to the contrary, a first responder  
5 including a firefighter, police officer, or emergency medical personnel  
6 who is an employee of the state, a public authority, or any municipal  
7 corporation, who is diagnosed with post-traumatic stress disorder by a  
8 psychiatrist licensed pursuant to article one hundred thirty-one of the  
9 education law which arises from such first responder's performance of  
10 his or her duties, shall, after submitting a written request for line of  
11 duty sick leave, be granted line of duty sick leave commencing on the  
12 date that such first responder was diagnosed with post-traumatic stress  
13 disorder. The first responder shall be compensated at his or her regular  
14 rate of pay for those regular work hours during which such first respon-  
15 der is absent from work due to his or her diagnosed post-traumatic  
16 stress disorder. Such leave shall be provided without the loss of the  
17 first responder's accrued sick leave or vacation leave.

18 2. An employer shall not take any adverse personnel action against a  
19 first responder regarding such first responder's employment because  
20 either (i) the first responder utilizes, or requests to utilize, sick  
21 leave or any other available leave due to diagnosed post-traumatic  
22 stress disorder, or (ii) the first responder utilizes or requests to  
23 utilize line of duty sick leave provided by this section.

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

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1 3. For purposes of this section, an "adverse personnel action" means  
2 any discipline, including issuing a notice of discipline, discharge,  
3 suspension, demotion, penalization, or discrimination against an employ-  
4 ee utilizing line of duty sick leave pursuant to subdivision one of this  
5 section.

6 § 2. The state shall reimburse any public authority or municipal  
7 corporation of less than one million people for the cost of any line of  
8 duty sick leave granted pursuant to this act.

9 § 3. This act shall take effect immediately; provided, however, that  
10 any employee who is currently employed by the state, public authority,  
11 or municipal corporation who has been diagnosed with post-traumatic  
12 stress disorder and is using sick leave due to such disorder shall  
13 receive a restoration of such sick leave retroactive to the date such  
14 employee was diagnosed with post-traumatic stress disorder.