STATE OF NEW YORK

3701

2023-2024 Regular Sessions

IN ASSEMBLY

February 7, 2023

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

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:

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

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

2. An employer shall not take any adverse personnel action against a first responder regarding such first responder's employment because either (i) the first responder utilizes, or requests to utilize, sick leave or any other available leave due to diagnosed post-traumatic stress disorder, or (ii) the first responder utilizes or requests to 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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3. 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 one of this section.

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

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