STATE OF NEW YORK

380--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. BURGOS, JOYNER, SEPTIMO, SHIMSKY -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to employer liability for on-duty assaults of employees

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

Section 1. Section 1266-l of the public authorities law, as added by chapter 668 of the laws of 2022, is renumbered section 1266-m and a new section 1266-n is added to read as follows:

§ 1266-n. Employer liability for on-duty assaults of employees. 1. If any employee, engaged in the service of any commuter rail service owned or operated by the authority or one of its subsidiaries, shall suffer a physical and/or mental injury that is caused by a passenger, customer or member of the public while the employee is performing an assigned duty, pursuant to subdivision eleven of section 120.05 of the penal law or otherwise, the employer shall be liable for any health care costs attributable to such injury and, in cases where it is determined by his or her health care provider that such injured employee is unable to perform his or her assigned regular duties due to such injury, such employee shall be compensated by the employer at an amount not less than the employee would have earned on the assignment they would have worked until such time that such employee is designated able to return to work by his or her health care provider, or is found permanently disabled as a result of such injury, or if such employee is granted an accidental disability retirement allowance, a retirement for disability incurred in performance of duty allowance or similar accidental disability pension provided by the pension fund of which he or she is a member, or until

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

LBD00617-05-3

such time that such employee leaves their employment with the authority or subsidiary.

2. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract. Nothing in this section is intended to supersede or conflict with federal laws, rules or regulations.

3. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the authority or its subsidiaries for reimbursement in such sum or sums actually paid as salary or wages and for health care costs as against any third party against whom the employee shall have a cause of action for the injury sustained or sickness caused by such third party.

§ 2. This act shall take effect immediately.