

STATE OF NEW YORK

4484

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

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

AN ACT to amend the general municipal law, in relation to line of duty sick leave for first responders due to a pandemic virus

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 officers and employees due to a pandemic virus.

4 1.(a) Notwithstanding any other law, rule or regulation to the contrary,
5 any police officer as defined by subdivision thirty-four of section 1.20
6 of the criminal procedure law, member of an organized fire company or
7 fire department of a city, town, village or fire district, emergency
8 medical technician or advanced emergency medical technician as such
9 terms are defined by section three thousand one of the public health
10 law, or paramedic who was exposed or came into contact with a pandemic
11 virus and such individual tests positive for, or displays symptoms of,
12 such pandemic virus, shall, after submitting to such individual's
13 employer a written request for line of duty sick leave, be granted line
14 of duty sick leave commencing on the date that such officer or employee
15 was diagnosed with or began displaying symptoms of the pandemic virus.
16 Such officer or employee shall be compensated at such officer's or
17 employee's regular rate of pay for those regular work hours during which
18 such officer or employee is absent from work due to such officer's or
19 employee's diagnosis or symptoms of a pandemic virus. Such leave shall
20 be provided without loss of an officer's or employee's accrued sick
21 leave.

22 (b) An employer shall not take any adverse personnel action against an
23 employee regarding such employee's employment because either (i) such
24 employee utilizes, or requests to utilize, sick leave or any other

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

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1 available leave due to a pandemic virus, or (ii) such employee utilizes
2 or requests to utilize line of duty sick leave provided by this section.

3 2. (a) Notwithstanding any other law, rule or regulation to the
4 contrary, any police officer as defined by subdivision thirty-four of
5 section 1.20 of the criminal procedure law, member of an organized fire
6 company or fire department of a city, town, village or fire district,
7 emergency medical technician or advanced emergency medical technician as
8 such terms are defined by section three thousand one of the public
9 health law, or paramedic, who do not receive benefits similar to those
10 provided by this section pursuant to a collectively bargained agreement,
11 section 14-122.1 of the administrative code of the city of New York,
12 section 15-108.1 of the administrative code of the city of New York, or
13 other statutory provision and who was exposed or came into contact with
14 a pandemic virus and such individual tests positive for or displays
15 symptoms of such pandemic virus, shall, after submitting to such indi-
16 vidual's employer a written request for line of duty sick leave, be
17 granted line of duty sick leave commencing on the date that such employ-
18 ee was diagnosed with or began displaying symptoms of the pandemic
19 virus. Such officer or employee shall be compensated at such officer's
20 or employee's regular rate of pay for those regular work hours during
21 which such officer or employee is absent from work due to such officer's
22 or employee's diagnosis or symptoms of a pandemic virus. Such leave
23 shall be provided without loss of an officer or employee's accrued sick
24 leave.

25 (b) An employer shall not take any adverse personnel action against an
26 employee regarding such employee's employment because either (i) such
27 employee utilizes, or requests to utilize, sick leave or any other
28 available leave due to a pandemic virus, or (ii) such employee utilizes
29 or requests to utilize line of duty sick leave provided by this section.

30 3. Nothing in this section shall limit an employer's power pursuant to
31 any other provision of law to discipline an officer or employee by
32 termination, reduction of salary, or any other appropriate measure; to
33 terminate an appointee who has not completed such appointee's probation-
34 ary term; and to apply for ordinary or accident disability retirement
35 for an officer or employee.

36 4. A request for line of duty sick leave shall be in writing and
37 include a waiver of the protection afforded to the officer or employee
38 pursuant to the health insurance portability and accountability act to
39 allow disclosure of the officer's or employee's exposure or contact with
40 a pandemic virus and such police officer's or employee's positive test
41 for such pandemic virus and any medical records concerning such offi-
42 cer's or employee's notice of exposure or contact with such pandemic
43 virus and such police officer's or employee's positive test for such
44 pandemic virus in the possession of the retirement system in which such
45 officer or employee is a member for the purpose of reviewing, processing
46 and auditing such officer's or employee's claim for line of duty sick
47 leave. Such waiver shall be in the form required by the retirement
48 system of which such officer or employee is a member, along with the
49 application for line of duty sick leave, with such officer's or employ-
50 ee's employer.

51 5. For the purposes of this section, the following terms shall have
52 the following meanings:

53 (a) "Adverse personnel action" shall mean any discipline, including
54 issuing a notice of discipline, discharge, suspension, demotion, penali-
55 zation, or discrimination against an employee utilizing line of duty

1 sick leave pursuant to paragraph (a) of subdivision one or subdivision
2 two of this section.

3 (b) "Cost" shall mean the number of days of sick leave that must be
4 restored to an officer or employee pursuant to subdivision one or two of
5 this section multiplied by such officer or employee's wage rate at the
6 time that such sick leave for which reimbursement is being sought was
7 taken.

8 (c) "Pandemic virus" shall mean a virus (i) that is classified as a
9 pandemic by the World Health Organization; and (ii) which causes the
10 governor to declare a state declaration of disaster emergency pursuant
11 to section twenty-eight of the executive law.

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

15 § 3. This act shall take effect immediately.