

# STATE OF NEW YORK

642

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. COMRIE, RAMOS, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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:

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

4 § 1266-o. Employer liability for on-duty assaults of employees. 1. If  
5 any employee, engaged in the service of any commuter rail service owned  
6 or operated by the authority or one of its subsidiaries, shall suffer a  
7 physical and/or mental injury that is caused by a passenger, customer or  
8 member of the public while the employee is performing an assigned duty,  
9 pursuant to subdivision eleven of section 120.05 of the penal law or  
10 otherwise, the employer shall be liable for any health care costs  
11 attributable to such injury and, in cases where it is determined by such  
12 employee's health care provider that such injured employee is unable to  
13 perform assigned regular duties due to such injury, such employee shall  
14 be compensated by the employer at an amount not less than the employee  
15 would have earned on the assignment they would have worked until such  
16 time that such employee is designated able to return to work by their  
17 health care provider, or is found permanently disabled as a result of  
18 such injury, or if such employee is granted an accidental disability  
19 retirement allowance, a retirement for disability incurred in perform-  
20 ance of duty allowance or similar accidental disability pension provided  
21 by the pension fund of which such employee is a member, or until such  
22 time that such employee leaves their employment with the authority or  
23 subsidiary.

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

LBD02483-01-5

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

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

11 § 2. This act shall take effect immediately.