STATE OF NEW YORK

4001

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to ensuring paid employees of the New York state division of military and naval affairs which perform fire response or fire rescue duties are eligible for equal benefits as other paid firefighters

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

Section 1. Subdivisions 1, 2, 5 and 7 of section 207-a of the general municipal law, subdivision 1 as amended by chapter 27 of the laws of 2021 and subdivisions 2, 5 and 7 as amended by chapter 476 of the laws of 2018, are amended to read as follows:

1. Any paid firefighter which term as used in this section shall mean any paid officer or member of an organized fire company or fire department of a city of less than one million population, or town, village or fire district, or any paid firefighter of a county airport or county aviation department which performs fire response or fire rescue duties, **or any paid firefighter employed by the division of military and naval affairs which performs fire response or fire rescue duties,** who is injured in the performance of [~~his or her~~] **such firefighter's** duties or who is taken sick as a result of the performance of [~~his or her~~] **such firefighter's** duties so as to necessitate medical or other lawful remedial treatment, shall be paid by the municipality or fire district by which [~~he or she~~] **such firefighter** is employed**, or the state if such firefighter is employed by such,** the full amount of [~~his or her~~] **such firefighter's** regular salary or wages until [~~his or her~~] **such firefighter's** disability arising therefrom has ceased, and, in addition, such municipality [~~or~~]**,** fire district **or the state** shall be liable for all medical treatment and hospital care furnished during such disability. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for

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

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the purpose by the municipality [~~or~~], fire district or the state, may attend any such injured or sick firefighter, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality [~~or~~], fire district or the state shall not be liable for salary or wages payable to such a firefighter, or for the cost of medical or hospital care or treatment furnished, after such date as the health authorities or such physician shall certify that such injured or sick firefighter has recovered and is physically able to perform [~~his or her~~] such firefighter's regular duties in the company or department. Any injured or sick firefighter who shall refuse to accept such medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations resulting from the application of subdivision two hereof, shall be deemed to have waived [~~his or her~~] such firefighter's rights under this section in respect to expenses incurred for medical treatment or hospital care or salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such member of the fire department of any such city.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any firefighter who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of [~~his or her~~] such firefighter's duties if such firefighter is granted an accidental disability retirement allowance pursuant to section three hundred sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance pursuant to section three hundred sixty-three-c of the retirement and social security law or similar accidental disability pension provided by the pension fund of which [~~he or she~~] such firefighter is a member; provided, however, that in any such case such firefighter shall continue to receive from the municipality or fire district by which [~~he or she~~] such firefighter is employed, or the state if such firefighter is employed by such, until such time as [~~he or she~~] such firefighter shall have attained the mandatory service retirement age applicable to [~~him or her~~] such firefighter or shall have attained the age or performed the period of service specified by applicable law for the termination of [~~his or her~~] such firefighter's service, the difference between the amounts received under such allowance or pension and the amount of [~~his or her~~] such firefighter's regular salary or wages. Any payment made by a municipal corporation [~~or~~], fire district or the state pursuant to the provisions of this subdivision shall be deemed to have been made for a valid and lawful public purpose. If application for such retirement allowance or pension is not made by such firefighter, application therefor may be made by the head of the fire company [~~or~~], fire department or division of military and naval affairs or as otherwise provided by the fire district or by the chief executive officer or local legislative body of the municipality by which such firefighter is employed. If such application for accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance is denied, the fire district or municipal corporation by which such firefighter is employed or the division of military and naval affairs may appeal such determination.

5. The appropriate municipal [~~or~~], fire district **or state** officials may transfer such a firefighter to a position in the same or another agency or department where they are able to do so pursuant to applicable civil service requirements and provided the firefighter shall consent thereto.

7. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality [~~or~~], fire district **or state** aforesaid for reimbursement in such sum or sums actually paid as a salary or wages and/or for medical or hospital treatment, as against any third party against whom the firefighter shall have a cause of action for the injuries sustained.

§ 2. This act shall take effect immediately.