

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:

1 Section 1. Subdivisions 1, 2, 5 and 7 of section 207-a of the general
2 municipal law, subdivision 1 as amended by chapter 27 of the laws of
3 2021 and subdivisions 2, 5 and 7 as amended by chapter 476 of the laws
4 of 2018, are amended to read as follows:

5 1. Any paid firefighter which term as used in this section shall mean
6 any paid officer or member of an organized fire company or fire depart-
7 ment of a city of less than one million population, or town, village or
8 fire district, or any paid firefighter of a county airport or county
9 aviation department which performs fire response or fire rescue duties,
10 or any paid firefighter employed by the division of military and naval
11 affairs which performs fire response or fire rescue duties, who is
12 injured in the performance of [~~his or her~~] such firefighter's duties or
13 who is taken sick as a result of the performance of [~~his or her~~] such
14 firefighter's duties so as to necessitate medical or other lawful reme-
15 dial treatment, shall be paid by the municipality or fire district by
16 which [~~he or she~~] such firefighter is employed, or the state if such
17 firefighter is employed by such, the full amount of [~~his or her~~] such
18 firefighter's regular salary or wages until [~~his or her~~] such firefight-
19 er's disability arising therefrom has ceased, and, in addition, such
20 municipality [~~or~~], fire district or the state shall be liable for all
21 medical treatment and hospital care furnished during such disability.
22 Provided, however, and notwithstanding the foregoing provisions of this
23 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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1 the purpose by the municipality [~~or~~], fire district or the state, may
2 attend any such injured or sick firefighter, from time to time, for the
3 purpose of providing medical, surgical or other treatment, or for making
4 inspections and the municipality [~~or~~], fire district or the state shall
5 not be liable for salary or wages payable to such a firefighter, or for
6 the cost of medical or hospital care or treatment furnished, after such
7 date as the health authorities or such physician shall certify that such
8 injured or sick firefighter has recovered and is physically able to
9 perform [~~his or her~~] such firefighter's regular duties in the company or
10 department. Any injured or sick firefighter who shall refuse to accept
11 such medical treatment or hospital care or shall refuse to permit
12 medical inspections as herein authorized, including examinations result-
13 ing from the application of subdivision two hereof, shall be deemed to
14 have waived [~~his or her~~] such firefighter's rights under this section in
15 respect to expenses incurred for medical treatment or hospital care or
16 salary or wages payable after such refusal.

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

22 2. Payment of the full amount of regular salary or wages, as provided
23 by subdivision one of this section, shall be discontinued with respect
24 to any firefighter who is permanently disabled as a result of an injury
25 or sickness incurred or resulting from the performance of [~~his or her~~]
26 such firefighter's duties if such firefighter is granted an accidental
27 disability retirement allowance pursuant to section three hundred
28 sixty-three of the retirement and social security law, a retirement for
29 disability incurred in performance of duty allowance pursuant to section
30 three hundred sixty-three-c of the retirement and social security law or
31 similar accidental disability pension provided by the pension fund of
32 which [~~he or she~~] such firefighter is a member; provided, however, that
33 in any such case such firefighter shall continue to receive from the
34 municipality or fire district by which [~~he or she~~] such firefighter is
35 employed, or the state if such firefighter is employed by such, until
36 such time as [~~he or she~~] such firefighter shall have attained the manda-
37 tory service retirement age applicable to [~~him or her~~] such firefighter
38 or shall have attained the age or performed the period of service speci-
39 fied by applicable law for the termination of [~~his or her~~] such fire-
40 fighter's service, the difference between the amounts received under
41 such allowance or pension and the amount of [~~his or her~~] such firefight-
42 er's regular salary or wages. Any payment made by a municipal corpo-
43 ration [~~or~~], fire district or the state pursuant to the provisions of
44 this subdivision shall be deemed to have been made for a valid and
45 lawful public purpose. If application for such retirement allowance or
46 pension is not made by such firefighter, application therefor may be
47 made by the head of the fire company [~~or~~], fire department or division
48 of military and naval affairs or as otherwise provided by the fire
49 district or by the chief executive officer or local legislative body of
50 the municipality by which such firefighter is employed. If such applica-
51 tion for accidental disability retirement allowance or retirement for
52 disability incurred in performance of duty allowance is denied, the fire
53 district or municipal corporation by which such firefighter is employed
54 or the division of military and naval affairs may appeal such determi-
55 nation.

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

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

12 § 2. This act shall take effect immediately.