STATE OF NEW YORK

5026--B

2025-2026 Regular Sessions

IN SENATE

February 18, 2025

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to procedures and other matters related to the receipt or discontinuation of certain benefits

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

Section 1. Section 207-c of the general municipal law is amended by adding a new subdivision 7 to read as follows:

7. Any determination by a municipality regarding an employee's initial eligibility for, or discontinuance of, benefits under this section shall be subject, upon request of the affected employee, to a de novo evidentiary hearing. Such hearing shall afford all parties the opportunity to present testimonial, documentary, and other evidence that is material and relevant to the determination. The hearing officer or arbitrator shall make an independent determination based on the evidence presented, and shall not be limited to reviewing the municipality's determination under an arbitrary and capricious standard. Under no circumstances shall a proceeding pursuant to article seventy-eight of the civil practice law and rules be considered a reasonable substitute for the evidentiary hearing required by this subdivision. Nothing in this subdivision shall preclude the parties from negotiating additional or alternative procedures through collective bargaining, provided such procedures afford the affected employee a full and fair opportunity to be heard. Notwithstanding any local law, ordinance, resolution, or charter provision to the contrary, this evidentiary hearing process provided for by this subdivision shall be deemed a mandatorily negotiable term and condition of employment under article fourteen of the civil service law.

§ 2. This act shall take effect immediately.

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

LBD08272-04-5