§ 92-d. Sick leave for officers and employees with a qualifying World Trade Center condition. 1.(a) Notwithstanding any other law, rule or regulation to the contrary, officers and employees of the state, a public authority or any municipal corporation outside of a city with a population of one million or more who have filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations or was a participant in World Trade Center rescue, recovery, or cleanup operations as such term is defined in section one hundred sixty-one of the workers' compensation law, who does not have such filed and approved notice of participation and has filed a notice of participation under section one hundred sixty-two of the workers' compensation law and is now employed by the state, a public authority, or any municipal corporation, and subsequently developed a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, shall, after the receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work due to his or her qualifying World Trade Center condition. Such leave shall be provided without loss of an officer or employee's accrued sick leave.

(b) A public employer shall not take any adverse personnel action against a public employee regarding the employee's employment because either (i) the employee utilizes, or requests to utilize, sick leave or any other available leave due to a qualifying World Trade Center condition, as such term is defined in section two of the retirement and social security law, or (ii) the employee utilizes or requests to utilize line of duty sick leave provided by this section.

(c) For purposes of this section, an "adverse personnel action" means any discipline, including issuing a notice of discipline, discharge, suspension, demotion, penalization, or discrimination against an employee utilizing line of duty sick leave pursuant to paragraph (a) of this subdivision.

Nothing in this section shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any sick leave or other available leave due to a qualifying World Trade Center condition or request to use, or utilization of, any line of duty sick leave provided by this section.

2.(a) Notwithstanding any other law, rule or regulation to the contrary, officers and employees of a city with a population of one million or more who (i) do not receive benefits similar to those provided by this section pursuant to a collectively bargained agreement, section 14-122.1 of the administrative code of the city of New York, section 15-108.1 of the administrative code of the city of New York, or other statutory provision and (ii) have filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations or was a participant in World Trade Center rescue, recovery, or cleanup operations as such term is defined in section one hundred sixty-one of the workers' compensation law, who does not have such filed and approved notice of participation and has filed a notice of participation under section one hundred sixty-two of the workers' compensation law and is now employed by the state, a public authority, or any municipal corporation, and subsequently developed a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, shall, after receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work due to his or her qualifying World Trade Center condition. Such leave shall be provided without loss of an officer or employee's accrued sick leave.

(b) A public employer shall not take any adverse personnel action

against a public employee regarding the employee's employment because either (i) the employee utilizes, or requests to utilize, sick leave or any other available leave due to a qualifying World Trade Center condition, as such term is defined in section two of the retirement and social security law, or (ii) the employee utilizes or requests to utilize line of duty sick leave provided by this section.

(c) For purposes of this section, an "adverse personnel action" means any discipline, including issuing a notice of discipline, discharge, suspension, demotion, penalization, or discrimination against an employee utilizing line of duty sick leave pursuant to subdivision one of this section.

Nothing in this section shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any sick leave or other available leave due to a qualifying World Trade Center condition or request to use, or utilization of, any line of duty sick leave provided by this section.

3. For purposes of this section, "cost" shall mean the number of days of sick leave that must be restored to an officer or employee pursuant to subdivision one or two of this section multiplied by such officer or employee's wage rate at the time that such sick leave for which reimbursement is being sought was taken.

4. A request, for line of duty sick leave shall be in writing and include a waiver of the protection afforded to the officer or employee pursuant to the health insurance portability and accountability act to allow disclosure of the officer or employee's approved notice of participation and any medical records concerning such officer or employee's notice of participation or qualifying World Trade Center condition in the possession of the retirement system or workers' compensation board in which such officer or employee is a member for the purpose of reviewing, processing and auditing his or her claim for line of duty sick leave. Such waiver shall be in the form required by the retirement system of which he or she is a member or the workers'

compensation board, along with the application for line of duty sick leave, with his or her employer.

5. Notwithstanding any provision of law to the contrary, upon request from the state, public authority or municipal corporation other than a city with a population of one million or more for a copy of an approved notice of participation in World Trade Center rescue, recovery or cleanup operations for an officer or employee, the retirement system in which such officer or employee is a member and to which such officer or employee filed his or her notice of participation in World Trade Center rescue, recovery or cleanup operations in accordance with paragraph (a) of subdivision thirty-six of section two of the retirement and social security law, such retirement system shall provide a verified copy of such approved notice of participation that includes the date that such notice was filed to such requestor. A copy of such verified notice of participation shall be filed with any claim for reimbursement submitted to the civil service department pursuant to subdivision four of this section. Except as required for filing, review, and audit purposes, such verified notice of participation and all copies of such verified notice shall be confidential and not subject to disclosure pursuant to article six of the public officers law.

6. A public authority or municipal corporation other than a city with a population of one million or more shall submit any claim for reimbursement under this section to the civil service department. In accordance with subdivision eight of section seven of the civil service law, the civil service department shall review each claim to determine if such claim shall be approved, reduced, amended or rejected and shall notify the submitting public authority or municipal corporation, within sixty days of receipt of such claim, as to its determination. Such public authority or municipal corporation shall notify the civil service department within thirty days after receipt of the civil service department's notification, as to its acceptance or rejection of such determination. Failure to so notify the civil service department shall constitute an acceptance of the determination. If accepted by such public authority or municipal corporation, such acceptance shall constitute the final and conclusive determination for such claim.

Notwithstanding any other law to the contrary, there shall be no appeal of such determination to the civil service commission. If rejected by such public authority or municipal corporation, such public authority or municipal corporation may commence an action in accordance with the provisions of article seventy-eight of the civil practice law and rules.

7. The civil service department shall certify all claims for which a final determination has been made. The civil service department shall submit all certified claims for payment on or before the first day of the immediately succeeding month during which such claim was certified.

8. All claims certified by the civil service department shall be paid monthly.