

BILL TEXT:

STATE OF NEW YORK

2776

2007-2008 Regular Sessions

IN SENATE

February 12, 2007

Introduced by Sens. MAZIARZ, DUANE, ALES, MORAHAN, TRUNZO,
VOLKER --

read twice and ordered printed, and when printed to be
committed to
the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in
relation to
establishing a performance of duty disability benefit for
persons with
HIV

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

1 Section 1. The retirement and social security law is amended
by adding

2 a new section 63-g to read as follows:

3 § 63-g. Performance of duty disability benefit; HIV. a. A
member of

4 the New York state and local employees' retirement system, who
is phys-

5 ically or mentally incapacitated for the performance of
duties by a

6 condition or impairment of health caused by the human
immunodeficiency

7 virus (HIV) and who, prior to being diagnosed with HIV,
sustained an

8 exposure in the performance of his or her duties, not caused by
his or

9 her own willful negligence, which constituted a
significant risk of

10 transmitting or contracting HIV, shall be presumed to have
11 contracted
12 HIV in the performance of his or her duties unless the contrary
13 be prov-
14 en by competent evidence. A significant risk of
15 transmitting or
16 contracting HIV shall include the presence of a significant
17 risk body
18 substance, a circumstance which constitutes significant risk
19 for trans-
20 mitting or contracting HIV, and the presence of significant
21 risk an
22 infectious source and non-infected person. To be effective, an
23 applica-
24 tion for performance of duty disability retirement under this
25 section
26 shall be filed on a form created by the retirement system
27 for such
28 purpose and shall be filed within two years after the member
29 is first
30 discontinued from service, as provided by section sixty-
31 three of this
32 title. A member entitled to this benefit shall be paid a
33 performance of
34 duty disability retirement allowance equal to that which is
35 provided in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[-] is old law to be omitted.

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