

DRAFT LEGISLATION

COVID-19 Presumption For Accidental Disability Retirement And Accidental Death Benefits:

Section 1. The retirement and social security law is amended to add a new section as follows:

§ 63-G. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death (1) was the natural and proximate result of an accident not caused by such member's own willful negligence and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

§ 2. The retirement and social security law is amended to add a new section as follows:

§ 363-DDD. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death (1) was the natural and proximate result of an accident not caused by such member's own willful negligence and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

§ 3. The retirement and social security law is amended to add a new section as follows:

§ 507-J. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death (1) was the natural and proximate result of an accident not caused by such member's own willful negligence and (2) was incurred in the performance and discharge of duty and unless the

contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

§ 4. The retirement and social security law is amended to add a new section as follows:

§ 605-F. Impairments of health due to COVID-19; presumption; accidental disability retirement. Notwithstanding any other provisions of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member, where such member is exposed or comes into contact with COVID-19 and tests positive for COVID-19, shall be presumptive evidence that such disability or death (1) was the natural and proximate result of an accident not caused by such member's own willful negligence and (2) was incurred in the performance and discharge of duty and unless the contrary be proved by competent evidence. Any member that becomes partially or totally disabled in accordance with this section shall be eligible for an accidental disability retirement allowance equal to three-quarters of his or her final average salary. Such accidental disability retirement allowance shall not be reduced by the amount of any benefits payable pursuant to the workers' compensation law.

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