



Legislation Text

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Int. No. 1941

By Council Members Miller, Borelli, Yeger, Kallos, Menchaca, Chin, Brannan, Maisel, Van Bramer, Cabrera, Koslowitz, Rodriguez, Gibson, Rose, Powers, Moya, Barron the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to requiring health insurance coverage for surviving family members of municipal employees who died as a result of a complication related to the coronavirus disease, COVID-19

Be it enacted by the Council as follows:

Section 1. Subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 32 for the year 2020, is amended to read as follows:

(i) Where the death of a city employee is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, or where accidental death benefits have been awarded in connection with a qualifying World Trade Center condition as defined in paragraph (a) of subdivision 36 of section 2 of the retirement and social security law, or where the death of a city employee is or was the natural and proximate result of a complication related to the coronavirus disease, COVID 19, the surviving spouse or domestic partner, until he or she dies, and the children under the age of [nineteen] 19 years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of [twenty-six] 26 years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph [one] (1) of this subdivision. Provided, however, and notwithstanding any other provision of

law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after [June fourteenth, two thousand five] June 14, 2005 while serving on such active military duty or in the uniformed services. For purposes of this subparagraph, “city employee” shall include employees of the board of education.

§ 2. This local law is effective immediately; provided, however, that the health insurance coverage granted by section one of this local law shall be provided to the surviving spouse or domestic partner and children of any city employee who died prior to the effective date of this local law and shall commence prospectively on such effective date; and provided further that the amendments made to subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York shall not affect the continuation of health insurance coverage awarded prior to the effective date of this local law.

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