

RESOLUTION NO. 311

ESTABLISHING A POLICY WITH RESPECT TO THE TERMINATION OF BENEFITS BEING PAID TO ALBANY COUNTY EMPLOYEES PURSUANT TO SECTION 207-C OF THE GENERAL MUNICIPAL LAW

Introduced: 8/10/09

By Messrs. Morse, McCoy, Aylward, Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Comisso, Ms. Connolly, Messrs. Cotrofeld, Dawson, Domalewicz, Ethier, Gordon, Higgins, Horstmyer, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Mr. Mayo, Ms. McKnight, Messrs. Nichols, Rahm, Reilly, Scavo, Steck, Timmins, Ward and Ms. Willingham:

WHEREAS, Pursuant to Section 207-c of the General Municipal Law, salary, wages, medical and hospital expenses of county policemen (including the Albany County Sheriff, Undersheriff, Deputy Sheriffs and Correction Officers) are paid by the County when the employees injury or illness is incurred in the performance of their duties, and

WHEREAS, These Section 207-c benefits have been deemed by the New York Court of Appeals to be a property interest giving rise to procedural due process protection, and

WHEREAS, While the County has a right under Section 207-c to have an independent medical examination of the injured or ill employee collecting 207-c benefits to determine whether or not the employee may be fit to return to their regular work assignment or a light duty assignment and if the employee is determined to be fit to return it shall be the policy of Albany County to accommodate the employee's due process rights by affording the employee a period of (30) days from notice to the employee to submit a report of a personal physician expressing a contrary opinion as to the employee's fitness to return to their regular work assignment or to a light duty assignment, and if the employee does submit a report of a personal physician expressing a contrary opinion then the 207-c benefits shall continue for the employee until such time as a hearing may result in a determination that the employee is fit to return to their regular or a light duty assignment, and

WHEREAS, In the event that the employee collecting 207-c benefits is determined by the County's independent medical examination to be fit to return to their regular work assignment or a light duty assignment and the employee does not submit a report of a personal physician expressing a contrary opinion within (30) days from the notice to the employee then the employee's 207-c benefits shall be terminated upon the expiration of the (30) day period if the employee does not return to their regular or light duty work assignment, and

WHEREAS, While the County also has the right under Section 207-c to terminate the benefits of any county employee collecting 207-c benefits if the county

employee has failed to comply with any administrative requirement of the County, the employee's 207-c benefits shall be terminated for failing to comply with an administrative requirement of the County only after the County has provided (30) days notice to the employee of the administrative requirement of the County and the failure of the employee to comply with the administrative requirement within the (30) day period, now, therefore be it

RESOLVED, By the Albany County Legislature that compliance with the aforementioned procedures shall be a policy of Albany County until such time as this policy may be modified by directive of the Albany County Legislature, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote. 8/10/09