

17

ON MOTION OF MR. SHARE

RESOLUTION NO. 473

AUTHORIZE PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 3  
FOR THE YEAR 1986-GUIDELINES FOR BENEFITS  
UNDER SECTION 207-C OF THE GENERAL MUNICIPAL LAW

WHEREAS, Proposed Local Law No. 3 for the year 1986, providing for the establishment of guidelines for the administration of benefits under Section 207-C of the General Municipal Law, has been introduced by Mr. Share, a member of this Legislature, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing on said Proposed Local Law No. 3 for the year 1986 be held before this Legislature on November 27, 1985 at 10:00 A.M. in the County Legislative Chambers, County Office Building, 60 Central Ave.-P.O. Box 5590, Cortland, New York 13045, and be it further

RESOLVED, that the Clerk of this Legislature be and hereby is authorized and directed to publish notice of said hearing as required by the Municipal Home Rule Law.

APPROVED AS  
TO FORM  
*MM*  
COUNTY ATTORNEY

STATE OF NEW YORK }  
COUNTY OF CORTLAND } SS:

*True & correct*

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 13th day of NOVEMBER, 1985 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this 13th day of NOVEMBER, 1985

*Mary Ellen Opers*  
Clerk of the Cortland County Legislature

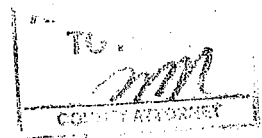
ADOPTING LOCAL LAW NUMBER 3 FOR THE YEAR 1986

WHEREAS, Local Law Number 3 for the year 1986, providing for the establishment of guidelines for the administration of benefits under Section 207-C of the General Municipal Law, was introduced by Mr. Share, a member of this Legislature, at a meeting of this Legislature held on November 13, 1985, AND

WHEREAS, said Local Law has been on the desks of the members in its final form at least seven (7) days prior to this date, AND

WHEREAS, a Public Hearing thereon has been held before this Legislature after publication of notice thereof as required by law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law Number 3 for the year 1986 is hereby passed and enacted in the following form, subject to a permissive referendum.



STATE OF NEW YORK }  
COUNTY OF CORTLAND } SS:

4/10/86

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 27 day of November 1985 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this

27 day of November, 1985  
Mary Ellen Opera  
Clerk of the Cortland County Legislature

our book

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~City~~ of CORTLAND  
~~Town~~  
~~Village~~  
Local Law No. 3 of the year 19 86

A LOCAL LAW ESTABLISHING GUIDELINES FOR THE ADMINISTRATION OF  
A local law BENEFITS UNDER SECTION 207-C OF THE GENERAL MUNICIPAL LAW  
(insert title)

Be it enacted by the COUNTY LEGISLATURE of the  
(Name of Legislative Body)

County  
~~City~~ of CORTLAND as follows:  
~~Town~~  
~~Village~~

SECTION 1. LEGISLATIVE INTENT

The Cortland County Legislature hereby finds and declare that Section 207-C of the General Municipal Law which provides wage and medical benefits for the Sheriff, Undersheriff, and Deputy Sheriffs injured in the performance of their duties is difficult to administer because of the lack of guidelines in the statute.

This Local Law is being enacted to provide the County with a simple, workable procedure to regulate the application for and the award of benefits under Section 207-C of the General Municipal Law. This Local Law creates a procedure that will ensure a fair and equitable administration of benefits. This Local Law protects the rights of Cortland County, and the Sheriff as well as those of the employees of the County employed as Undersheriff, County Police Officers and Correction Officers.

The procedure provided by this Local Law shall be the exclusive method used in administering the aforesaid benefits for Cortland County. It has been enacted pursuant to Section 207-C of the General Municipal Law.

SECTION 2. DEFINITIONS

1. Sheriff - the individual lawfully holding the office of Sheriff of Cortland County.
2. Personnel Officer - the duly appointed County Personnel Officer of Cortland County.
3. 207-C Benefits - the benefits provided pursuant to Section 207-C of the General Municipal Law.
4. Deputy - the Sheriff, Undersheriff, County Police Officers or Correction Officers of Cortland County.
5. Regular Duty - those duties which a deputy may be called upon to perform in the regular course of his employment.

(If additional space is needed, please attach sheets of the same size as this and number each)

6. Light Duty - those regular duties which a deputy is capable of performing.

### SECTION 3. CONSTRUCTION, SEPARABILITY, COMPLIANCE

1. This Local Law shall not be construed to limit or repeal additional requirements imposed by statute or otherwise, nor to modify collective bargaining agreements.
2. If any provisions of this Local Law shall be held invalid in whole or in part or inapplicable to any person or situation, all other provisions thereof shall nevertheless remain fully effective and the application of any such provisions to other persons not similarly situated or other situations shall not be affected.
3. Failure of a deputy to comply with the lawful direction of the Personnel Officer or Sheriff issued by them in the administration of this Local Law or Section 207-C, or failure of a deputy to provide the Personnel Officer with relevant information with respect to his investigation of the deputy's claim shall be presumptive evidence of the deputy's unwillingness to cooperate with the Personnel Officer in the processing of such deputy's claim.

### SECTION 4. INCIDENT REPORT

A deputy who is injured in the performance of his duties or who is taken sick as a result of the performance of his duties so as to necessitate medical or other lawful remedial treatment shall serve an incident report upon the Personnel Officer within five (5) calendar days after the incident causing such injury or, in the case of sickness arising out of the deputy's duties, within five (5) calendar days of the onset of the sickness, and also in case of the death of the deputy resulting from such injury or sickness, within five (5) calendar days after such death. Such report shall be made by any deputy claiming to be so injured or taken sick or, in case the deputy is incapable of doing so due to physical or mental disability or death, by a person in his behalf. The report shall be in writing, contain the name and address of the deputy, state in ordinary language the time, place, nature and cause of the injury, and any other information requested by the Personnel Officer; and shall be verified by the deputy or by the person serving the report on his behalf or, in the case of death, by anyone or more of his dependents, or by a person on their behalf. Failure to serve a timely report unless excused by the Personnel Officer either on the ground that notice for some sufficient reason could not have been given or the ground that the Sheriff had knowledge of the job related accident, sickness or death, or on the ground that the Sheriff and County have not been prejudiced thereby, shall be a bar to any claim.

### SECTION 5. DETERMINATION OF ELIGIBILITY

The Personnel Officer shall have exclusive authority to initially determine the eligibility for 207-C benefits of all deputies. Upon direction of the Personnel Officer, the deputy shall provide the Personnel Officer with prima facie evidence of the deputy's illness or injury and its relationship to the performance of the duties of the deputy's employment. After a determination is made by the Personnel Officer, the Personnel Officer shall forthwith serve a written notice thereof to the deputy at the address specified in the incident report, setting forth the basis of the determination. If the Personnel Officer determines that the deputy is not eligible for 207-C benefits or that the deputy is entitled to some but not all 207-C benefits claimed by the deputy, said notice shall also inform the deputy that, at any time within twenty-one (21) calendar days after the service of such notice, the deputy may serve a written demand on the Personnel Officer for a hearing and further evaluation of the deputy's application for 207-C benefits. After such hearing, the Personnel Officer shall make his decision setting forth the basis for such determination. Such decision shall be subject to review only as provided in Article 78 of the Civil Practice Law and Rules.

### SECTION 6. ORDER TO LIGHT DUTY

If a deputy receiving 207-C benefits is not eligible for or is not granted a New York State accidental or ordinary disability retirement and the Personnel Officer, after receiving an opinion from the deputy's treating physician, or any physician appointed by the County for the purpose of treating or examining the deputy, that the deputy is unable to perform his regular duties as a result of an eligible injury or sickness, but is capable of performing specified types of light duties, and the Personnel Officer determines that such deputy is capable of such light duty assignment, then the Sheriff shall order the deputy to report for available light duty.

#### SECTION 6. ORDER TO LIGHT DUTY (CONTINUED)

Said order shall be in writing, shall specify the time and date the deputy is to report, and shall briefly describe the nature of the light duty assigned. The date the deputy shall be ordered to report for light duty shall be at least five (5) calendar days after service of the written order upon the deputy. The order shall also inform the deputy that payment of the full amount of his regular salary or wages pursuant to Section 207-C of the General Municipal Law shall be terminated as of the day the deputy is scheduled to report for light duty and that the deputy may, at any time within twenty-one (21) calendar days after the service of such order, serve a written demand on the Personnel Officer for a hearing and further evaluation of such order. After such hearing, the Personnel Officer shall make his decision setting forth the basis for such determination. Such decision shall be subject to review only as provided in Article 78 of the Civil Practice Law and Rules.

#### SECTION 7. ORDER TO REGULAR DUTY

If the Personnel Officer, after receiving an opinion from the deputy's treating physician, or any physician appointed by the County for the purpose of treating or examining the deputy, that the deputy is capable of performing his regular duties, and the Personnel Officer determines that such deputy is capable of performing his regular duties, then the Sheriff shall order the deputy to report for regular duties.

Said order shall be in writing and shall specify the time and date the deputy is to report. The date the deputy shall be ordered to report to duty shall be at least five (5) calendar days after service of the written order. The order shall also inform the deputy that payment of the full amount of his regular salary or wages pursuant to Section 207-C of the General Municipal Law shall be terminated as of the day the deputy is scheduled to report for regular duty and that the deputy may, at any time within twenty-one (21) calendar days after the service of such order, serve a written demand on the Personnel Officer for a hearing and further evaluation of such order. After such hearing, the Personnel Officer shall make his decision setting forth the basis for such determination. Such decision shall be subject to review only as provided in Article 78 of the Civil Practice Law and Rules.

#### SECTION 8. RENEWED DISABILITY SUBSEQUENT TO RETURN TO DUTIES

If a deputy returns to light or regular duties subsequent to a period of absence from duty necessitated by an injury or sickness incurred in the performance of his duties and later claims he is incapable of performing those duties due to the same injury or sickness which necessitated the prior absence from duty, the deputy shall serve a report of renewed disability with the Personnel Officer within five (5) calendar days of the onset of the renewed disability. Such report shall be made by any deputy claiming renewed disability and entitlement to 207-C benefits or, in the case the deputy is incapable of doing so due to physical or mental disability, by a person in his behalf. The report shall be in writing, contain the name and address of the deputy, state in ordinary language the nature of the injury or sickness claimed, the original date of said injury or sickness, the nature of his current difficulties, the tasks the deputy is incapable of performing, the date or dates the deputy claims to have been disabled from performing the assigned duties, and any other information requested by the Personnel Officer, and shall be verified by the deputy or by the person filing on his behalf or, in case of death, by any one or more of his dependents, or by a person on their behalf.

The Personnel Officer shall have exclusive authority to initially determine whether the deputy is capable of the assigned duties. However, if a deputy contested the original order to return to light duties or regular duties and the deputy was unsuccessful, the deputy shall not be entitled to a re-evaluation of his disability, including court review unless he provides the Personnel Officer with current medical reports to the effect that his condition has substantially worsened since the time he was originally ordered to report to light or regular duties and that the deputy is disabled from performing his assigned duties. Conditions precedent to such a deputy's entitlement to his regular salary or wages pursuant to Section 207-C of the General Municipal Law are that the deputy's condition has substantially worsened since the time he was originally ordered to return to light or regular duties and, that the deputy is now not capable of the duties assigned or other light duties which the Sheriff may assign. A condition precedent to entitlement to regular salary or wage pursuant to Section 207-C of the General Municipal Law for a deputy who did not contest the original order to return to light duties or regular duties is that the deputy is not now capable of the duties assigned or other light duties which the Sheriff may assign.

SECTION 9. STATUS OF DEPUTY PENDING DETERMINATION OF ELIGIBILITY; REIMBURSEMENT UPON DETERMINATION

Pending the final determination of an application, an assignment of light duty, an order to return to regular duty, or any order or directive effecting eligibility for continued 207-C benefits, time off taken by the deputy and alleged to be attributable to the injury or sickness which gave rise to the disability which is the subject of the pending determination may be charged to accumulated sick leave, personal leave, and/or vacation time in accordance with the negotiated labor agreement or, if a claim has been made by the deputy on his behalf to the Workers' Compensation Board alleging a disability compensable under the Workers' Compensation Law and said claim is still pending or a final determination has been made that the deputy is disabled pursuant to the Workers' Compensation Law, and the deputy has exhausted all vacation time, personal leave, and sick leave, the deputy shall have the status of an employee absent from work pursuant to the Workers' Compensation Law. In the case where a claim has been made to Workers' Compensation Board and said claim is still pending or a final determination has been made that the deputy is disabled pursuant to the Workers' Compensation Law but the deputy has not exhausted all sick leave, personal leave, and vacation time, the deputy may elect, by serving written notice upon the Personnel Officer not to have the time off charged to remaining sick time, vacation, or personal leave but rather to have the status of an employee absent from work pursuant to the Workers' Compensation Law.

Determinations of the Workers' Compensation Board shall not be binding upon the County or the deputy in the determination of eligibility for 207-C benefits.

If a determination is made that the deputy is eligible for 207-C benefits and all opportunities for appeal of the determining have been exhausted or waived, the deputy shall be so categorized and shall be credited with any sick leave, personal leave, and/or vacation time charged during the period for which it is determined that the deputy is entitled to the full amount of his regular salary or wages pursuant to Section 207-C of the General Municipal Law. Any adjustments in benefits resulting from the restoration of vacation, personal leave, or sick leave shall be made. Additionally, upon such a determination of eligibility, the deputy shall be reimbursed retroactively for all periods of disability less any disability payments received pursuant to the Workers' Compensation Law, and any payments received by the deputy and originally charged to vacation time, personal leave, or sick leave. Such benefits shall continue so long as the deputy remains eligibly disabled or until otherwise terminated pursuant to law.

SECTION 10. TREATMENT OR EXAMINATION BY COUNTY ASSIGNED PHYSICIANS

After a determination has been made that an injury or sickness of a deputy was incurred in the performance of his duties, the Personnel Officer may require the deputy to be attended by any physician appointed by the Personnel Officer for the purpose of providing medical, surgical or other health related treatment.

At any time during the pendency of a claim, the Personnel Officer may require the deputy to be examined and inspected by any physician appointed by the Personnel Officer.

The deputy so treated or examined shall be entitled to copies of all medical reports submitted by physicians appointed by the Personnel Officer regarding said treatment or examination.

If the deputy shall refuse to accept medical treatment or hospital care or shall refuse to permit medical examinations as herein authorized, the deputy shall be deemed to have waived his rights to 207-C benefits and the Sheriff shall immediately discontinue said 207-C benefits for the deputy. Upon such a discontinuation of benefits, the Personnel Officer, at any time within twenty-one (21) calendar days after the service of such notice, for a hearing and further evaluation of such discontinuation of benefits. After such hearing, the Personnel Officer shall make his decision setting forth the basis for such determination. Such decision shall be subject to review only as provided in Article 78 of the Civil Practice Law and Rules.

SECTION 11. GENERAL PAYMENT PROCEDURES

Benefits provided by the County under hospital insurance, medical insurance, workers' compensation, no-fault insurance, or other appropriate sources shall be promptly claimed by a deputy seeking 207-C salary and medical payments. Said benefits shall be deemed to be made in partial payment of any salary and medical care expenses to which the deputy may otherwise be entitled under 207-C.

A failure by the deputy to cooperate in securing the prompt payment of said benefits shall be a bar to any claim for 207-C payments.

SECTION 12. PAYMENT FOR MEDICAL SERVICES

No bills or claims for medical, hospital or other lawful remedial treatment rendered shall be paid unless the following procedure is complied with:

- (1) Except in the case of emergency, a deputy receiving 207-C benefits shall notify, in writing, the Personnel Officer before incurring any expense for medical services, hospitalization, or other lawful remedial treatment alleged to be related to an injury or sickness upon which the 207-C claim is based. The County shall pay only those expenses not covered by benefits specified under Section 11 above.
- (2) On each bill or claim for such services, the person or persons rendering such services shall certify thereon that the services rendered were required as a consequence of an injury or sickness upon which the 207-C claim is based.
- (3) Bills for drugs, appliances, and other medical supplies not paid under Section 11 above will only be paid after a copy of the prescription by a doctor is filed with the Personnel Officer for the particular items billed stating thereon that the items supplied were required as a consequence of the injury or sickness upon which the 207-C claim is based.

SECTION 13. AUTHORITY OF THE PERSONNEL OFFICER

The Personnel Officer may establish such rules and regulations as may be reasonable and necessary for the administration of this Local Law.

SECTION 14. SERVICE OF NOTICES, DEMANDS, AND PAPERS

Any written notice, demand, or other papers required to be served shall be deemed properly given, delivered and service thereof completed when said notice is deposited in any post office or post office box in a post-paid envelope properly addressed or when said notice is delivered in person to the party to whom it is addressed or their authorized representative.

Where a period of time prescribed by this Local Law is measured from the service of a paper and service is made by mail, three (3) days shall be added to the prescribed period.

SECTION 15. This Local Law shall become effective immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town (Name of Legislative Body)  
Village  
on ..... 19..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town (Name of Legislative Body)  
Village  
on ..... 19..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer \*  
and was deemed duly adopted on ..... 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town (Name of Legislative Body)  
Village  
on ..... 19..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer \*  
on ..... 19..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on ..... 19....., in accordance with the appli-  
annual  
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ....<sup>3</sup> of 19...<sup>86</sup>..  
County  
of the ~~City~~ of Cortland ..... was duly passed by the Cortland County Legislature ..... on  
~~Town~~ (Name of Legislative Body)  
~~Village~~  
November 27 ..... 1985 and ~~not disapproved~~  
was approved by the Chairman ..... on  
repassed after disapproval Elective Chief Executive Officer \*  
November 27 ..... 1985.. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
January 11, ..... 19<sup>86</sup>., in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.



5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on ..... general ..... 19 ..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... above.

Mary Ellen Ogara
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: January 11, 1986

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cortland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
County Attorney
Title

Date: January 11, 1986

County Clerk of Cortland