

# General Municipal Law 207-c Benefits

It's NOT Workers' Comp

## GML Section 207-c

- ❖ ... 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 be paid by the municipality by which he is employed the full amount of his regular salary or wages until his disability arising therefrom has ceased, and, in addition such municipality shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness.

# Your Procedure

- ❖ Provided in collective bargaining agreement
- ❖ Saves you from having to go to court
- ❖ Time limits might disqualify you – it's easier to just follow them!
- ❖ Three most important things:
  - ❖ Documentation
  - ❖ Documentation
  - ❖ Documentation

# Initial Injury or Illness

- ❖ You **MUST** submit an Application within **FIVE** days of the incident
  - ❖ **KEEP A COPY!!!!**
- ❖ If claim is for sickness, within 20 days of the discovery of sickness
- ❖ If officer is unable to file, **SOMEONE** do it for him/her

# Recurrence

- ❖ Must provide verifying medical report detailing recurrence
- ❖ Not necessary within the first 4 months from date of return

# Status Pending Determination

- ❖ Employee uses sick leave
- ❖ If no sick leave, County “advances” the time
  - ❖ If 207-c is denied, employee must reimburse in either time or money
  - ❖ If 207-c is granted, all sick time (other than advanced time) is restored

# Benefit Determinations

- ❖ Sheriff makes recommendation to “Self Insurance Administrator”
- ❖ Employer has absolute right to determine who makes the “initial determination”
- ❖ Can order a medical examination at county expense
- ❖ Determination must be made within 15 working days

# Light Duty Assignment

- ❖ Sheriff must advise employee in writing that light duty is being considered
- ❖ Officer may submit documentation
- ❖ Sheriff may order a medical examination at employer expense
  - ❖ Physician provided with a list of types of duties and activities
  - ❖ Makes an evaluation of officer's ability to perform

## Light Duty Assignment (cont.)

- ❖ Sheriff reviews medical assessment and “other pertinent information” and may make assignment “consistent with” all that stuff.
- ❖ Officer can appeal finding, but ...
- ❖ Refusal to perform light duty allows employer to discontinue 207-c benefits
- ❖ There is no requirement that light duty assignments be created

# Appeals

- ❖ Must submit a written Demand to S.I.A. within 15 calendar days of receipt of initial determination.
- ❖ Arbitrator mutually selected
- ❖ Burden is on the employee/union
- ❖ Arbitrator's decision is final and binding
- ❖ Arbitrator may consider, but is not bound by, findings by other panels (i.e. Workers' Comp)

# Failure to Honor Requests

- ❖ Officer who fails to abide by “reasonable request made pursuant to this procedure” is deemed to have waived rights until compliance.
- ❖ Officer has the right to challenge these decisions – but probably has to comply first

# Disability Retirement

- ❖ Employee may submit an application for disability (or ordinary) retirement
- ❖ Employer may submit an application for disability retirement notwithstanding the employee's wish
- ❖ If disability retirement is granted, 207-c benefits cease

# Other Contractual Benefits

- ❖ If for a period not exceeding three months, all contractual benefits apply
- ❖ If for a period exceeding three months officer receives salary (including longevity) and contractual medical insurance benefits only

# Important for you ...

- ❖ Keep copies of everything from Day 1
- ❖ Submit a report even if you don't lose time
- ❖ Provide union with copies of reports, medical documents, county correspondence – all of it
- ❖ Show up for medical appointments, comply with all reasonable requests
  - ❖ Obey now, grieve later