

ARTICLE XXIII  
GENERAL MUNICIPAL LAW §207-c PROCEDURE

Section 1. Intent

In order to insure that determinations arising by virtue of the administration of the provisions of Section 207-c of the General Municipal Law satisfy the interest of those potentially eligible for its benefit, and the County of Saratoga, the following procedure shall be utilized to make determinations in regard to benefits and/or light duty assignments authorized by Section 207-c.

The term "officer", as used herein, shall include all correction officers.

Section 2. Notice of Disability

(a) (i) An officer who alleges to be injured in the performance of duties shall file with the Sheriff, or the Sheriff's designee, within five (5) days of the incident causing such injury, a General Municipal Law 207-c application (hereinafter "Application") which Application is appended to this procedure. All injuries incurred in the performance of duties must be reported regardless of whether the officer lost time or received medical attention.

(ii) An officer who alleges to be taken sick as a result of the performance of duties shall file with the Sheriff, or the Sheriff's designee, within 20 days of discovery of such sickness, the Application.

(iii) In the event of a personal inability to file the Application such Application may be filed by another acting on behalf of such officer.

(b) **RECURRENCE:** In the event of a recurrence, as detailed above, the officer must detail which injury or sickness gave rise to the recurrence and provide the date of the initial injury or illness. In addition, the officer must provide any verifying medical report detailing the recurrence. However, an officer claiming a recurrence will not need to provide additional verifying medical report(s) within the first four (4) consecutive months from the date of return to full duty.

In the event further medical verification is deemed necessary, the officer will submit to medical examination as directed by the Sheriff or his designee and as detailed in this procedure, including those detailed in Sections 4 and 5, below.

(c) Failure to follow the notice of requirements contained in this section will not serve to forfeit an officer's right to file a claim pursuant to General Municipal Law 207-c so long as the County is in no way prejudiced by the failure to give timely notice.

Section 3. Status pending determination of eligibility for benefits

(a) In the event an officer asserts an inability to perform duties, he or she shall be placed on sick leave until such time as it is determined that he or she is eligible for the benefits of Section 207-c.

- (b) In the case of any employee who has no sick leave time accrued to his/her credit, the County will advance sick leave for the purposes of this Section 3, until such time as a determination pursuant to Section 4, below, is made. In the event that the employee is denied 207-c eligibility and either the employee does not appeal this denial or after appealing the denial, the denial of benefits is upheld, the employee will reimburse the County in time or money for the sick leave time advanced.
- (c) In the event that an employee is found to be eligible for Section 207C benefits, the employee will have all used sick leave credits restored.

Section 4. Benefit Determinations

An application for the benefits of Section 207-c of the General Municipal Law shall be processed in the following manner:

- (a) The Sheriff shall receive the application for the benefits and make a recommendation to the Clerk of the Board of Supervisors/Self-Insurance Administrator (hereinafter "Self Insurance Administrator") as to whether the applicant is entitled to 207-c benefits pursuant to Section 207-c of the General Municipal Law and this procedure. The Self Insurance Administrator shall promptly review the Sheriff's recommendation and the application, as well as any other pertinent documents or evidence available. Should the Self Insurance Administrator determine that the officer was injured in the performance of duty or that the officer was taken sick as a result of the performance of duty so as to necessitate medical or other lawful treatment, the Self Insurance Administrator shall, pursuant to Section 207-c, direct payment of the full amount of the regular salary or wages until the disability arising therefrom has ceased and shall insure that the County, through the health insurance provided to the officer, will be responsible for the cost of medical or other lawful treatment and for any hospital care associated with such injury or illness. (It is understood that any amounts not otherwise covered by the health insurance carrier will be paid or reimbursed, as necessary, by the County.) A written notice of such determination by the Self Insurance Administrator shall be provided to the officer, placed in the officer's personnel file and provided to the County Treasurer.
- (b) The payment of full salary or wages may be discontinued as expressly provided by Section 207-c. Any review of eligibility for the continuation of benefits may only occur after an assessment of the medical condition of an officer or other information raises a question as to whether a disability may have ceased or whether the extent of a disability may have diminished so as to permit a light duty assignment, as the case may be.
- (c) In the event a question arises as to either initial eligibility for benefits or the continuation of benefits once awarded, the following procedure shall apply:

- (i) The Sheriff or the Sheriff's designee, and/or the Self Insurance Administrator shall promptly inquire into the fact(s) surrounding the matter at issue. An officer may be required to submit to one or more medical examinations as may be necessary to determine the existence of a disability or illness and its extent. To resolve a question of initial or continued eligibility for the benefits, the Self Insurance Administrator shall make a decision on the basis of medical evaluations and other information as may be available and/or as may be provided by the officer. An officer or his/her representative may produce any document, sworn statement, or other record relating to the alleged injury or sickness or the incident alleged to have caused such. The Self Insurance Administrator shall have the authority to employ medical specialists and other appropriate individuals; may at reasonable times and at reasonable notice, require the attendance of the officer or any witness to an incident to secure information; may require the officer to sign a release or waiver for information of his/her medical history; and may undertake any other reasonable act necessary for making a determination pursuant to this procedure (including, but not limited to, requiring the officer to submit a detailed sworn statement of the circumstances surrounding his/her alleged injury or sickness).

All medical examinations directed by the Sheriff or his designee or the Saratoga County Self Insurance Administrator pursuant to this Section shall be at the expense of the Employer.

- (ii) The Self Insurance Administrator shall make a determination as to initial continued eligibility for benefits based upon information collected or obtained pursuant to this process. An officer shall be notified in writing of the final determination made. The basis for the determination shall be specified. Upon the request of an officer or his/her representative, a copy of any document used by the Self Insurance Administrator to determine initial or continued eligibility for any benefits afforded by Section 207-c shall be made available. In the event an officer is adversely affected by a determination, he or she may request a hearing in accordance with the procedure set forth in Section 6 of this procedure.
- (d) Any determination made pursuant to this Section 4, shall be rendered within fifteen (15) working days.

#### Section 5. Assignment to Light Duty

As authorized by the provisions of Subdivision 3 of Section 207-c, the Sheriff's Department, acting through the Sheriff, or the Sheriff's designee, may assign a disabled officer specified light duties, consistent with his/her status as an officer. The Sheriff, or the Sheriff's designee, prior to making a light duty assignment, shall advise the officer receiving benefits under Section 207-c that his/her ability to perform a light duty assignment is being reviewed. Such an officer may submit to the Sheriff, or the Sheriff's

designee, any document or other evidence in regard to the extent of his/her disability. The Sheriff, or the Sheriff's designee, may cause a medical examination or examinations of the officer, to be made at the expense of the Employer. The physician selected shall be provided with the list of types of duties and activities associated with a proposed light duty assignment and shall make an evaluation as to the ability of the disabled officer to perform certain duties or activities, given the nature and extent of the disability. Upon review of the medical assessment of the officer's ability to perform a proposed light duty assignment and other pertinent information, the Sheriff, or the Sheriff's designee, may make a light duty assignment consistent with medical opinion and such other information as he or she may possess. Pursuant to Section 207-c, if the officer refuses to perform the designated light duty assignment, his/her 207-c benefit shall be discontinued. If the employee wishes to challenge the discontinuance of benefits, he/she may do so pursuant to Section 6 below.

Nothing contained in this Section 5 shall require the Department to create light duty assignments.

#### Section 6. Appeal of Adverse Final Determinations

In the event that an officer disagrees with any final determination regarding a proposed light duty assignment or the initial or continued eligibility for benefits, he or she, within fifteen (15) calendar days of the receipt of the determination, shall present to the Self Insurance Administrator, a written Demand for Arbitration. The Employer and officer or his/her representative will meet within five (5) calendar days to mutually select an arbitrator from a closed panel consisting of Thomas Hines, Ronald Kowalski, Jeffery Selchick, and Sumner Shapiro or other arbitrator mutually selected by the parties. The arbitrator selected shall be on a rotating basis or first available. In the event the parties are unable to agree, PERB will be asked to assist in the arbitrator selection process. The Arbitrator will be bound by the determination of the Saratoga County Self Insurance Administrator unless he finds that the determination is not supported by a preponderance of the evidence. The decision of the Arbitrator shall be final and binding. The Arbitrator's fee shall be shared equally by and between the parties.

A determination made by any officer, agency, board or court regarding the existence of a disability or its extent or regarding an entitlement to any other statutory benefit because of an officer's disability, may be noticed by, but shall not be controlling upon the Arbitrator.

In the event the parties so request, the Arbitrator shall convene an expedited hearing to resolve the outstanding matters.

#### Section 7.

With respect to the provisions of this procedure, any officer who fails to abide by a reasonable request made pursuant to this procedure shall be deemed to have waived his/her right to such benefits until compliance with the request or direction by the

arbitrator. If the employee wishes to challenge a decision made pursuant to this Section 7, he/she may do so pursuant to Section 6, above.

Section 8.

In the event the Sheriff or his designee, or the Saratoga County Self Insurance Administrator deems it in the best interest of the parties, it may submit to the New York State Retirement System application(s) for disability retirement, consistent with the provisions of Section 63 of the New York State Retirement and Social Security Law. Section 7, above, applies likewise to such Department action. In the event that a disability retirement is granted, benefits pursuant to Section 207-c and this procedure shall cease.

Section 9. Continuation of Contract Benefits

- (a) While on leave pursuant to Section 207-c for a period not exceeding three (3) months, or upon the assignment of light duty pursuant to Section 5 above, the officer shall be entitled to all contractually negotiated benefits.
- (b) While on leave pursuant to Section 207-c for any period exceeding three (3) months, the officer shall be entitled to payment of salary (including longevity) and contractual medical insurance.

**SARATOGA COUNTY SHERIFF'S DEPARTMENT**  
**General Municipal Law Section 207-c**  
**Application**

1. \_\_\_\_\_  
Name of Officer
  
2. \_\_\_\_\_  
Address
  
3. \_\_\_\_\_ 4. \_\_\_\_\_  
Telephone number Age
  
5. \_\_\_\_\_  
Name of supervisor
  
6. \_\_\_\_\_  
Current job title
  
7. \_\_\_\_\_  
Occupation at time of injury/illness
  
8. \_\_\_\_\_  
Length of employment
  
9. \_\_\_\_\_ 10. \_\_\_\_\_ 11. \_\_\_\_\_  
Date of Incident Day of Week Time
  
12. a. \_\_\_\_\_  
Name of witness(es)  
b. \_\_\_\_\_  
c. \_\_\_\_\_
  
13. a. \_\_\_\_\_  
Names of co-employees at the incident site  
b. \_\_\_\_\_  
c. \_\_\_\_\_

14. Describe what the Officer was doing when the incident occurred. (Provide as many details as possible. Use additional sheets if necessary.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. Where did the incident occur? Specify. \_\_\_\_\_

\_\_\_\_\_

16. How was the claimed injury or illness sustained? Describe fully, stating whether injured person slipped, fell, was struck, etc., and what factors led up to or contributed. Use additional sheets if necessary.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

17. When was the incident first reported? \_\_\_\_\_

To whom? \_\_\_\_\_ Time \_\_\_\_\_

Witness (if any) \_\_\_\_\_

18. Was first aid or medical treatment authorized? \_\_\_\_\_

By whom? \_\_\_\_\_ Time \_\_\_\_\_

19. Name and address of attending physician \_\_\_\_\_

\_\_\_\_\_

20. Name of hospital \_\_\_\_\_

21. State nature of injury and part or parts of body affected \_\_\_\_\_

\_\_\_\_\_

22. Will the Officer be returning to duty? \_\_\_\_\_

When? \_\_\_\_\_

\_\_\_\_\_  
Date of report

\_\_\_\_\_  
Signature of Officer

State of New York    )  
                                  ) ss.:  
County of Saratoga    )

\_\_\_\_\_, Being duly sworn, deposes and says that he/she has read the foregoing notice and knows the contents thereof; that the same is true to the knowledge of deponent except as the matters therein stated to be alleged upon information and belief; and that as to those matter she/she believes it to be true, any false statements herein may subject the deponent to the penalties of perjury.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public/Commissioner of Deeds

Medical Release

I do hereby authorize any physician, nurse, or other health care provider who has attended, examined or treated me, or any hospital at which I have been examined or treated, to furnish the County of Saratoga, New York, or its duly authorized representative, with any and all medical and billing information which may be requested regarding my past or present physical condition and treatment rendered therefore.

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Signature of Officer

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Printed name of Officer

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Date