



Provision of Sick Leave for Personnel with a Qualifying World Trade Center Condition

This memorandum summarizes General Municipal Law section 92-d and provides guidance regarding the tax treatment of the restoration of sick leave under Chapter 273 of the Laws of 2017.

Line of Duty Sick Leave for World Trade Center Conditions

General Municipal Law section 92-d provides that certain state personnel and New York City personnel may be eligible for line of duty sick leave for absences from work due to a qualifying World Trade Center Condition. The line of duty sick leave is provided in addition to any accrued sick leave provided to a person as part of that person's employment. An individual using this line of duty sick leave will be paid at the same rate as he or she would have been paid if the individual used regular accrued sick leave for the absence. Further, under Chapter 273 of the Laws of 2017 state and city personnel¹ may be eligible for restoration of previously used accrued sick time leave for absences caused by the individual's qualifying World Trade Center Condition, retroactive to the date of the diagnosis of the World Trade Center Condition. Chapter 251 of the Laws of 2019 directed the Department of Taxation and Finance to issue guidance regarding the tax treatment of restored sick leave accruals.

Tax Treatment of Restoration of Sick Leave Accruals

The restoration of sick leave accruals is not a taxable event. However, to the extent any wages paid to an individual using restored sick leave are required to be included in federal adjusted gross income, those wages are included in the computation of New York adjusted gross income.

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¹ Chapter 273 of the Laws of 2017 provides retroactive restoration of sick leave for "any officer or employee who is currently employed by the state, public authority or municipal corporation."