

Fact Sheet Handout:

What is the World Trade Center Disability Law?

The World Trade Center (WTC) Disability Law allows NYCERS members who worked in the WTC Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002 to file a Notice of Participation (Form #622) and a subsequent application for disability benefits. Any disability resulting from specified illnesses contracted by such workers (now or in the future) will be presumed to have resulted from the performance of duty, unless rebutted by competent medical evidence.

Who is eligible to file a Notice of Participation under the WTC Law?

Any active member, vestee or pensioner (who vested or retired after 9/11/01) is eligible to file a Notice of Participation provided he/she meets the following pre-qualifying criteria:

- Successfully passed a physical examination for entry into public service
- Participated in the WTC Rescue, Recovery or Clean-Up Operations in one of the following places between September 11, 2001 and September 12, 2002: World Trade Center Site (see definition); Fresh Kills Land Fill; New York City Morgue or the temporary morgue on pier locations on the West Side of Manhattan; the barges between the West Side of Manhattan and the Fresh Kills Land Fill; **OR** repaired, cleaned or rehabilitated vehicles or equipment owned by the City of New York contaminated by debris at the World Trade Center Site, regardless of where the work was performed; **and**
- Participated in the WTC Rescue, Recovery or Clean-Up Operations for a minimum of 40 hours; or, if the minimum of 40 hours was not met, a member may still be eligible if a documented physical injury which is a Qualifying Condition or Impairment of Health resulted while working at the WTC Site between September 11, 2001 and September 12, 2001 that prevented the member from working the minimum number of hours.

What should I do if I think I'm eligible?

We encourage ALL members who meet the criteria to file NYCERS Form #622 by June 14, 2009. Tier 3 Correction Officers who meet the criteria should file NYCERS Form #622 by June 13, 2009. This form is NOT a disability application. Form #622 simply acts as a notice to NYCERS that you participated in the WTC Rescue, Recovery or Clean-Up Operations during the specified time frame. If this form is not filed by the fixed deadline (June 14, 2009 or June 13, 2009 for Tier 3 Correction Officers), you will not be eligible to apply for disability under this law.

Where can I get Form #622?

Our forms are easily accessible from our website, www.nycers.org, by contacting our Call Center at 347-643-3000, or by visiting our Customer Service Center at 340 Jay Street in downtown Brooklyn. Our business hours are Monday through Friday 8:00 a.m. - 5:00 p.m.

I filed Form #622 - now what?

Once your Notice of Participation (Form #622) is received by NYCERS we will verify your participation with your employer. We will reach out to you if we feel that you do not meet the basic qualifications of the WTC Disability Law. But as we said before, Form #622 is not an application for disability benefits. It simply acts as a notice to NYCERS that you may be eligible to file for disability at some date in the future.

In order to be considered for a disability retirement under the WTC Disability Law, you must file a disability application and the NYCERS Medical Board must find that you have developed a Qualifying Condition or Impairment of Health.

What if I meet all of the criteria (*see who is eligible) but have since retired?

You may still be eligible for the presumption if you:

- File Form #622 on or before June 14, 2009 or June 13, 2009 for Tier 3 Correction Officers
- Retired under a service retirement or ordinary disability retirement after 9/11/01
- Subsequent to the retirement, incurred a disability caused by any Qualifying Condition or Impairment of Health which was caused by participating in the Rescue, Recovery or Clean-Up Operations

What if I am vested?

A member who is vested has the same rights as the retiree; however, vested members are not eligible to file a disability application until AFTER they become eligible to collect their pension. A vested member must file a Notice of Participation (Form #622) on or before June 14, 2009 or June 13, 2009 for Tier 3 Correction Officers.

What is the benefit?

WTC Disability Law did not specifically create a new benefit. This new law allows eligible members to collect a disability benefit under one of several existing disability laws. Depending on your job title, the benefit could be paid as an ordinary disability, accident disability or performance of duty disability. The benefit calculation will be based on whatever disability law is applicable to your title, which you will be retiring under. Retirees may file for any one of the sections of this bill that they are eligible for.

Definitions

Qualifying Conditions or Impairments of Health:

- Diseases of the upper respiratory tract and mucosae, including conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal chord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions; or
- Diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic; or
- Diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure; or
- Diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions; or
- Diseases of the skin such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specified reactive in nature, caused by exposure or aggravated by exposure; or
- New onset diseases resulting from exposure as such diseases may occur in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease.

World Trade Center Site (WTC Site):

The World Trade Center Site is defined as anywhere below a line starting from the Hudson River and Canal Street; east on Canal Street to Pike Street; south on Pike Street to the East River; and extending to the lower tip of Manhattan.

