



# NYCERS

RETIREMENT AND BENEFITS



## WHAT WE WANT YOU TO KNOW ABOUT THE WTC DISABILITY LAW!

In June 2005 Governor Pataki signed into law the World Trade Center (WTC) Disability Law that provides a disability benefit to those who become disabled because of their participation in the WTC Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002.

We believe that the greatest impact of this legislation will be to those who are members of NYCERS, Police or Fire, and so these three NYC Retirement Systems have joined together in order to explain what you need to know.

### 1. Who is eligible?

Any active member, vestee or pensioner (who vested or retired AFTER 9-11-01) who participated in the WTC Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002 may be eligible if he/she meets the criteria below and files a Notice of Participation in the WTC Rescue, Recovery and Clean-Up Operations by **June 13, 2007**.

### 2. What are the eligibility requirements?

You must have:

- ✓ successfully passed a physical examination for entry into public service, **and**
- ✓ 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, 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, **and**
- ✓ participated in the WTC Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002 for a minimum of 40 hours; or, if the minimum of 40 hours was not met, you sustained a documented physical injury at the WTC Site between 9/11/01 and 9/12/01 which prevented you from working the minimum number of hours, **and**
- ✓ become disabled by a qualifying condition or impairment of health as defined in the law.

### 3. What is considered the "World Trade Center Site"?

The World Trade Center Site is considered to be 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.

### 4. What is the Notice of Participation?

The Notice of Participation is simply to inform us that you participated in the WTC Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002. **This is NOT a disability application.** Once you file the Notice of Participation form, your Retirement System will reach out to your agency to get any additional information needed. If you are deemed qualified to file for disability under this law you will **then** have to file a disability application with your Retirement System.

### 5. Am I applying for disability by filing a Notice of Participation?

No. Filing a Notice of Participation simply tells us that you participated in the WTC Rescue, Recovery or Clean-Up Operations. You may never show signs of disability and may never need to claim disability. But in the event you do, you must have this form on file. Think of filing this form as insurance—you may never need to use it, but in the event you do you'll be happy to have it! If you develop a disability as a result of your participation in the WTC Rescue, Recovery and Clean-Up Operations you will then have to take the steps needed to file for disability with your Retirement System.

### 6. What if I don't have any signs of disability, even though I worked in one of the listed areas?

We encourage you to **ACT NOW** by filing a Notice of Participation with your Retirement System. Even if you show no signs of a health condition or impairment at this time, we encourage you to protect your future by filing this Notice of Participation. If this form is not on file with your Retirement System you WILL **NOT** BE ELIGIBLE to file for disability under the WTC Disability Law.

### 7. Where can I get more information?

You can always turn to your Retirement System! Contact your agency to get the most up to date information.



718-999-7041; 718-999-0148  
9 Metrotech Center  
Downtown Brooklyn



347-643-3000  
www.nycers.org  
340 Jay Street (Mezzanine)  
Downtown Brooklyn



212-693-5100  
www.nyc.gov/nycppf  
233 Broadway 19th floor  
New York



## World Trade Center Disability Law

### **POLICE PENSION FUND ORDER 1-2005**

1. Chapter 93 of the Laws of 2005 (World Trade Center Disability Law) creates a presumptive eligibility for accident disability retirement for certain qualifying conditions if such disability occurred as a result of participation in the World Trade Center Rescue, Recovery or Cleanup Operations. All active members, or those members who vested or retired after 9/11/01, are eligible to apply for benefits or reclassification of benefits under the law.
2. **Members Covered:**
  - a. Anyone who participated in WTC Rescue, Recovery or Cleanup Operations at one or more of the four enumerated locations below for a minimum of 40 hours during the period from September 11, 2001 through September 12, 2002; OR,
  - b. Anyone who participated in WTC Rescue, Recovery or Cleanup Operations at the WTC Site (as defined below) and sustained a documented physical injury between September 11, 2001 and September 12, 2001 that resulted in a disability that precluded the member from participating in the Rescue, Recovery or Cleanup operations for the 40 hour minimum. Also that disability must be the condition for which the member seeks to be eligible for retirement under the World Trade Center presumption statute.

**\*NOTE:** The law actually states that the member must have successfully passed a physical examination prior to employment, but that has been omitted from our forms because all NYPD members must pass such an examination prior to being hired.

3. **Qualifying Conditions That Are Determined To Be Disabling:**
    - a. Diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions;
    - b. 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;
    - c. Diseases of the gastroesophageal tract, including esophagitis and reflux diseases, either acute or chronic, caused by exposure or aggravated exposure;
    - d. Diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;
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- e. Diseases of the skin such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; or,
- f. New onset diseases resulting from exposures as such diseases occur in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal diseases and chronic psychological disease.

**4. Locations Covered:**

- a. WTC Site – defined as south of Canal St., from the Hudson River to Pike Street, and south of Pike Street to the East River, extending to the lower tip of Manhattan;
- b. Fresh Kills Land Fill;
- c. NYC Morgue and temporary morgue on pier locations on the west side of Manhattan;
- d. Barges traveling between the west side of Manhattan and the Fresh Kills Land Fill.

**5. Preliminary Filing (Notice of Participation):**

The law states that to preserve the right to the WTC presumption, a member (active or eligible retirees) must file with the Fund a sworn statement indicating the dates and locations of employment at one or more of the four abovementioned locations by June 14, 2007. The form shall be provided by the Fund and will be available on the website at, [www.nyc.gov/nycppf](http://www.nyc.gov/nycppf). **The Notice of Participation is not an application for disability retirement benefits; rather, it is a necessary prerequisite for eligibility under the law.**

**6. WTC Disability Law Application Process:**

In addition to the Notice of Participation, members seeking initial consideration of disability retirement or reclassification under the World Trade Center Disability Law must file the usual application for Accident Disability Retirement benefits. This includes members with pending disability applications or pending Article 78 proceedings and retired members.

**7. Medical Board and Administrative Review:**

- a. All members must be seen by the Medical Board to determine whether the member is disabled by reason of one of the aforementioned qualifying conditions. The Medical Board may rebut the presumption that the member's disability was caused by his or her participation in WTC Rescue, Recovery or Cleanup Operations with competent evidence.

- b. The Board of Trustees then reviews the Medical Board's report and makes a determination.
- c. In the case of retired members applying for reclassification, it is further presumed that the condition would have been disabling had the condition been known and fully developed at the time of the member's retirement.
- d. The law provides the NYPD with the opportunity to be heard on all applications for reclassification.

**8. Reclassified Benefits:**

- a. Reclassifications of benefits under this law are effective only as of the date of reclassification; accordingly, such date shall be the date of the Board of Trustees Meeting at which such action is taken.
- b. Members are not permitted to change their retirement option upon reclassification.

**9. Vested Members:**

Vested members may apply for reclassification under the World Trade Center Disability Law after they reach their 20<sup>th</sup> anniversary. They will then be considered eligible for retirement benefits and therefore will qualify for eligibility under the law. **However, all members are still required to file a Notice of Participation by June 14, 2007.**

**\*NOTE:**

**It is recommended that members collect and retain all documents that support the information provided in the Notice of Participation and any application for retirement disability benefits.**



**Notice of Participation in The World Trade Center Rescue, Recovery or Clean-Up Operations**  
 233 Broadway—19th Floor, New York, NY 10279

This form is for any active, vested or retired member who participated in the World Trade Center Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002. This form must be submitted to the Police Pension Fund by June 14, 2007. The form is for notification purposes only and does not constitute an application for retirement or reclassification pursuant to Chapter 93 of the Laws of 2005. In order to apply for retirement benefits, a separate application must be completed. If you have any questions please call 212-693-5100.

Please fill in the following:		Date:	/	/
Name Printed (First—M.I.—Last)				
Address:				
Tax Registry No.		Social Security No.		
Home Telephone #:		Work Telephone #:		

- Are you currently an Active Member? If yes, please provide Command:  
\_\_\_\_\_
- Are you currently Retired? If yes, please provide date of retirement:  
\_\_\_\_\_
- Are you currently a Vested Member? If yes, please provide the date you left City Service:  
\_\_\_\_\_
- Do you have a current/pending disability application?  
\_\_\_\_\_



**PLEASE CAREFULLY FOLLOW THE INSTRUCTIONS BELOW BEFORE SIGNING THIS FORM.**

**SIGN CERTIFICATION "A" ONLY IF YOU WORKED FOR AT LEAST 40 HOURS AT ONE OR MORE OF THE LISTED LOCATIONS AND THEN FILL OUT THE APPROPRIATE DATES AND DUTIES.**

**SIGN CERTIFICATION "B" IF YOU WERE UNABLE TO WORK 40 HOURS DUE TO A DOCUMENTED PHYSICAL INJURY RECEIVED AT THE WORLD TRADE CENTER SITE ON SEPTEMBER 11, 2001 OR SEPTEMBER 12, 2001 ONLY. THEN LIST THE HOURS YOU WORKED AND DESCRIBE YOUR INJURY IN THE SPACE PROVIDED.**

**REMINDER: SIGN AND NOTARIZE THE APPROPRIATE CERTIFICATION AT THE END OF THE FORM.**



**Notice of Participation in The World Trade Center Rescue, Recovery or Clean-Up Operations**  
 233 Broadway—19th Floor, New York, NY 10279

**WORLD TRADE CENTER DISABILITY LAW LOCATIONS:**

1. The World Trade Center Site (defined as south of Canal Street west from the Hudson River to Pike Street, then south of Pike Street to the East River, to the southern tip of lower Manhattan);
2. The Fresh Kills Landfill;
3. The New York City Morgue or temporary morgue on pier locations on the west side of Manhattan; or,
4. The barges between the west side of Manhattan and the Fresh Kills Landfill.

**IF YOU WORKED FOR 40 OR MORE HOURS AT ONE OR MORE OF THE ABOVE LOCATIONS, PLEASE FILL IN THE FOLLOWING INFORMATION:**

Location	Dates and Times	Description of Duties

IF YOU WERE UNABLE TO WORK 40 HOURS DUE TO A DOCUMENTED PHYSICAL INJURY SUFFERED ON SEPTEMBER 11, 2001 OR SEPTEMBER 12, 2001 RESULTING FROM YOUR PARTICIPATION IN THE WORLD TRADE CENTER RESCUE, RECOVERY AND CLEAN-UP OPERATIONS, PLEASE LIST THE HOURS AND LOCATIONS WORKED ALONG WITH A DESCRIPTION OF YOUR INJURY BELOW:

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**Notice of Participation in The World Trade Center Rescue, Recovery or Clean-Up Operations**  
233 Broadway—19th Floor, New York, NY 10279

**REMINDER:**

Certification A is for those members who worked at least 40 hours at one or more of the four World Trade Center locations. Certification B is for those members who were unable work the minimum 40 hours due to a documented physical injury resulting from their participation in the Rescue, Recovery or Clean-Up Operations at the World Trade Center Site.

**CERTIFICATION A:**

I, \_\_\_\_\_, certify that the chart herein accurately reflects my participation in Rescue, Recovery or Clean-Up Operations between September 11, 2001 and September 12, 2002 for a total of at least 40 hours at one or more of the four listed locations above.

**CERTIFICATION B:**

I, \_\_\_\_\_, certify that I participated in Rescue, Recovery or Clean-Up Operations on September 11, 2001 or September 12, 2001 at the World Trade Center Site and I sustained a documented physical injury there at that time that prevented me from continuing to participate in any further World Trade Center Rescue, Recovery and Clean-Up Operations for at least 40 hours.

Signature: \_\_\_\_\_

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

NOTARY PUBLIC