

## **The World Trade Center Disability Law**

### ***What is the World Trade Center Disability Law?***

The World Trade Center (WTC) Disability Law was signed into law by Governor Pataki on June 16, 2005. This law provides a legal presumption that public employees and retirees who were on duty and involved in September 11<sup>th</sup> related operations, and became disabled as a result, are entitled to a 75% disability pension.

### ***What is a “benefit” under the World Trade Center Disability Law?***

The WTC Disability Law does not create a new disability benefit. Instead, this law allows eligible individuals to collect disability benefits under one of the current disability laws. These benefits can be paid as an ordinary disability, line of duty disability, or accident disability, depending on an applicant's job title. The calculation of benefits will be based on the subdivision of the disability law that an individual is retiring under.<sup>1</sup>

### ***Who is eligible for benefits under the World Trade Center Disability Law?***

This law allows public employees and retirees who participated at least 40 hours<sup>2</sup> in the WTC rescue, recovery, or clean-up operations between September 11, 2001 and September 12, 2002, and who are now disabled as a result of a disease or injury that was caused by those operations, to apply for disability benefits. Individuals applying for such benefits must meet the following requirements:

- The rescue, recovery, or clean-up operations they participated in must have taken place at one of the four covered sites, which include:
  - The WTC site which is marked by the area south of Canal Street, from the Hudson River to Pike Street, south of Pike Street to the East River, running up to the lower tip of Manhattan,
  - The New York City morgue, or the temporary morgues that were established at that time located on the west side of Manhattan,
  - The Fresh Kills Land Fill, or
  - The barges that ran between the west side of Manhattan and the Fresh Kills Land Fill,
- Be found permanently incapacitated due to a qualifying condition or health impairment, and
- Previously passed a required physical examination prior to employment in public service, and such examination must not have disclosed evidence of the qualifying condition or health impairment that is the basis of an application for benefits.

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<sup>1</sup>State Corrections Officers who joined on or after September 1, 1983, do not have an accidental disability benefits, and therefore this presumption does not apply to such individuals.

<sup>2</sup>Individuals who do not meet the necessary 40 hour requirement due to physical injuries suffered during the first two days of the September 11<sup>th</sup> attack are also eligible for this presumption.

***What is a “qualifying condition” or “health impairment”?***

A qualifying condition or health impairment may include one of the following:

- Upper respiratory tract and mucosa diseases, such as: conjunctivitis, vocal chord disease, laryngitis, rhinitis, sinusitis, etc.,
- Lower respiratory tract diseases, such as: bronchitis, asthma, pneumonitis, reactive airway dysfunction syndrome, etc.,
- Gastroesophageal tract diseases, such as: acute or chronic reflux disease, esophagitis, etc.,
- Psychological axis diseases, such as: post-traumatic stress disorder, anxiety, depression, etc.,
- Skin diseases, such as: contact dermatitis or burns, skin infections or irritations, etc., and
- New Onset Diseases that result from exposure and may occur in the future, such as: cancer, chronic obstructive pulmonary disease, asbestos-related diseases, heavy mental poisoning, musculoskeletal disease, chronic psychological disease, etc.

***How does one apply for benefits under the World Trade Center Disability Law?***

There are two ways an individual may apply for the disability benefits. If an individual meets the necessary requirements to be eligible, he or she must either:

- File a notice (form RS6047-N) or an application (form RS6047-W) with the New York State and Local Retirement System before June 14, 2007. These forms can be obtained on the New York State and Local Retirement System at [www.state.osc.ny.us/retire](http://www.state.osc.ny.us/retire) or by contacting their Disability Processing Unit at (518) 474-4587. Even if an individual does not file for disability benefits before the required deadline, he or she must file the notice and/or application before the deadline in order to maintain the right to apply for such benefits in the future. Individuals must also file a statement with the Retirement System that indicates the dates and locations of employment, within two years after this law becomes effective; or
- File a Notice of Participation Form (Form #622) with the New York City Employees' Retirement System (NYCERS) by June 13, 2007. This form alone does not serve as an application for disability. Instead, the form serves as notice to NYCERS that an individual meets the requirements and is eligible for disability benefits. An individual can obtain this form at the NYCERS website at [www.nycers.org](http://www.nycers.org), by contacting their Call Center at (347) 643-3000, or by visiting their Customer Service Center at 340 Jay Street in downtown Brooklyn (Monday through Friday 8:00 a.m. - 5:00 p.m.). In order to be considered for disability benefits under the WTC Disability Law, after the Notice of Participation Form is filed the applicant must submit a disability application to be reviewed by NYCERS.

***What if a public employee has retired before applying for this benefit?***

Retired individuals may apply to have benefits reclassified as an accidental disability benefit, if the following criteria are met:

- A form of notice is filed before the July 2007 deadline,
- The retiree retired under a service retirement or ordinary disability retirement after 9/11/01, and
- After retiring, the retiree incurred a disability that was caused by a qualifying condition or health impairment that was caused by the WTC rescue, recovery, or clean-up operations between September 11, 2001 and September 12, 2002.