

A Law Affecting Public  
Employees Who Participated In

# The World Trade Center Site

Rescue,  
Recovery Or  
Clean Up  
Operations

Office of the New York State Comptroller



New York State and  
Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System

## **A Message from Your Retirement System**

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None of us will ever forget the tragic events of September 11, 2001, or the thousands of people who helped in the rescue, recovery and clean up efforts at the World Trade Center site. From Ground Zero to the Fresh Kills Landfill, men and women worked around the clock doing their part to help New Yorkers and our country recover from this devastating event.

This brochure provides information about laws that may apply to you or your family if you were one of the workers who participated in this historic effort. For those of you who gave so much, these laws may provide some small measure of assistance.

We ask that you read this information carefully. If you have any questions about the benefits described in this brochure, please call our Disability Processing Unit at 518-474-4587.

**If you were one of the many brave public employees who participated in the World Trade Center rescue, recovery or clean up efforts, you and/or your family may be entitled to disability or accidental death benefits.**

## Effective Immediately

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Chapters 104 and 93, Laws of 2005, as amended by Chapters 444 and 445, Laws of 2006, provide those who participated in the World Trade Center rescue, recovery or clean up efforts a presumption that, if you become permanently disabled due to certain qualifying conditions and are unable to perform your job, the condition was incurred in connection with the World Trade Center aftermath.\* This means that, unless it can be proven the medical condition was the result of other factors, you may claim it was the result of your participation in the events following September 11 and may be eligible for a disability retirement or accidental death benefit.

*\*Qualifying diseases include: upper respiratory tract (conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal chord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions); lower respiratory tract (bronchitis, asthma, reactive airway dysfunction syndrome and various forms of pneumonitis – hypersensitivity, granulomatous, or eosinophilic); gastroesophageal tract (esophagitis and reflux disease); psychological (post-traumatic stress disorder, anxiety, depression, or any combination of these conditions); skin (contact dermatitis or burns, infectious, irritant, allergic, idiopathic or non-specific in nature, caused by exposure or aggravated by exposure); and new onset diseases (resulting from exposure as such diseases may occur in the future including cancer, chronic obstructive pulmonary disease, asbestos-related diseases, heavy metal poisoning, musculoskeletal disease and chronic psychological diseases).*

## To Be Eligible For This Presumption, You Must:

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- 1.** Have participated in the World Trade Center rescue, recovery or clean up operations for a minimum of 40 hours between September 11, 2001 and September 12, 2002 (your employer/organization will be contacted to verify this). **Note:** If you suffered a documented physical injury at the site on September 11 or September 12, 2001, preventing you from continuing to participate in rescue, recovery or clean up efforts, the 40-hour requirement may be waived under certain circumstances. Participation in rescue, recovery or clean up efforts includes work at:
  - The World Trade Center site,
  - The New York City morgue or any temporary morgues,
  - The Fresh Kills Landfill, or
  - On the barges that ran between Manhattan and the Fresh Kills Landfill.
- 2.** Have been required to take, and then passed, a physical examination upon entry into public service.
- 3.** Be found permanently incapacitated by the Retirement System due to the qualifying condition or health impairment, and unable to perform your job.
- 4.** **File either an application for World Trade Center Accidental Disability Presumption (form RS6047-W) or a World Trade Center Notice (RS6047-N) by June 14, 2007.**

If you are not disabled now, but meet requirements 1 and 2, we encourage you to file a Notice. Filing a Notice by June 14, 2007 will protect your rights, and the rights of your beneficiary(ies) to apply for benefits in the future.

**Note:** Some members, including State Correction Officers who joined on or after September 1, 1983, do not have an accidental disability benefit. If you are such a member, the accidental disability presumption would not provide you with a retirement benefit. However, if you file a Notice, your beneficiary(ies) may be eligible to apply for an accidental death benefit upon your death.

## **If You Have Not Yet Filed For Retirement**

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If you meet requirements 1 and 2 and wish to file for a disability benefit now, you must file an Application for World Trade Center Accidental Disability Presumption (form RS6047-W). If you do not file for a disability benefit now, you must file a World Trade Center Notice (form RS6047-N) with us by **June 14, 2007** to preserve your rights in the future.

These forms are available on our website at **[www.osc.state.ny.us/retire](http://www.osc.state.ny.us/retire)** or by contacting us toll-free at 1-866-805-0990 or 518-474-7736 in the Albany, New York area.

## **If You Have Already Retired From Public Service**

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You may apply for a reclassification of your benefit to an accidental disability retirement if you meet requirements 1 and 2 and you would have been permanently disabled and unable to perform your job had your condition been known and fully developed at the time of your retirement.

If approved, your accidental disability retirement will become effective on the date your application is received. It is not retroactive to your date of retirement.

Please note, your option selection cannot be changed as a result of the reclassification.

If you are already receiving an accidental disability benefit, this law will not provide any additional retirement benefit.

## **How To Apply For Reclassification**

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To apply for a reclassification, you must meet the same eligibility requirements as previously stated. You must complete an Application for World Trade Center Accidental Disability Presumption (form RS6047-W), have it notarized and send it to us at the address found on the back of this brochure. If you do not file for reclassification by **June 14, 2007**, you must file a World Trade Center Notice (form RS6047-N) by that date to be eligible for reclassification should you become disabled in the future. You can download these forms from our website or contact us by phone to have the form sent to you.

In addition, please note that your employer at the time of retirement will be given an opportunity to make their own statement regarding your reclassification application.

## **Provisions for an Accidental Death Benefit**

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Chapter 445, Laws of 2006 provides for an accidental death benefit for beneficiaries of certain retirees who participated in the World Trade Center rescue, recovery or clean up. Your beneficiaries may convert your retirement benefit to an accidental death benefit by filing an Application for World Trade Center Accidental Death Benefit (form RS6418-W) if:

- You file a World Trade Center Notice (form RS6047-N) by June 14, 2007;
- You retire under a service or disability retirement;
- You have been retired 25 years or less at the time of your death; and
- It is determined that the cause of death was the result of a qualifying condition.

Only certain beneficiaries (spouse, children or dependent parent) are eligible to receive this benefit. Eligible beneficiaries and the time period for filing the application are the same as those for the regular accidental death benefit provided by your retirement plan. Please consult your plan booklet or contact us for more information regarding this benefit, including filing deadlines.

## For More Information

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For more information, visit our website at [www.osc.state.ny.us/retire](http://www.osc.state.ny.us/retire). You can also call our Disability Processing Unit at 518-474-4587, or write us at:

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