



World Trade Center Disability Law

POLICE PENSION FUND ORDER 1-2008

1. Chapter 489 of the Laws of 2008 amends Chapter 495 of the Laws of 2007 (World Trade Center Disability Law) by extending the deadline to file a Notice of Participation to **September 11, 2010** (from June 14, 2009). Chapter 489/2008 continues to create 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 for any period of time during the **48 hours after the first airplane hit the towers are eligible to file for WTC disability even if they didn't work a total of 40 hours between 9/11/01 – 9/11/02**; 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 any period of time during the **48 hours after the first airplane hit the towers are eligible to file for WTC disability even if they didn't work a total of 40 hours between 9/11/01 – 9/11/02**. Also that disability must be the condition for which the member seeks to be eligible for retirement under the World Trade Center presumption statute.
 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;
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- d. Diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;
- 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 September 11, 2010. The form shall be provided by the Fund and will be available on the website at, 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 20th 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 September 11, 2010.**

***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 September 11, 2010. 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 as amended by Chapter 489 of the Laws of 2008 . 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. (Last 4 Digits)	
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?

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PLEASE CAREFULLY FOLLOW THE INSTRUCTIONS BELOW BEFORE SIGNING THIS FORM.

REMINDER: SIGN AND NOTARIZE THE 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

NAME: _____	TAX#: _____
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WORLD TRADE CENTER PARTICIPATION REQUIREMENTS:

In order to be covered by the WTC Disability Law, a member who becomes disabled by a qualifying WTC condition must have preformed one of the covered activities in one of the covered locations during one of the qualifying periods. Detail are set forth below:

Covered Activities and Locations:

- Participated in the rescue, recovery or cleanup operations at the WTC site, defined as “anywhere below a line starting 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);
- Worked at Fresh Kills Landfill;
- Worked at the New York City Morgue or temporary morgue on pier locations on the west side of Manhattan; or,
- Manned the barges between the west side of Manhattan and the Fresh Kills Landfill;
- Repaired, cleaned or rehabilitated vehicles or equipment owned by NYC that were contaminated by debris in the WTC site, regardless of whether the work was done at the WTC site, provided such work was performed prior to decontamination.

Qualifying Periods:

- Any member who participated in rescue, recovery or clean-up operations during any period within the 48 hours after the first plane hit the towers;
- Any member who participated in the rescue, recovery or cleanup operations at the WTC site for at least 40 hours accumulated any time between September 11, 2001 and ending September 12, 2002.

IF YOU HAVE SATISFIED THE WTC PARTICIPATION REQUIREMENTS DURING ONE OF THE QUALIFYING PERIODS, PLEASE FILL IN THE FOLLOWING INFORMATION:

LOCATION	DATES	DESCRIPTION OF DUTIES



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

NAME: _____ TAX#: _____

I, _____ certify that the chart herein accurately reflects my participation in WTC Res-
cue, Recovery or Clean-Up Operations within one of the "Qualifying Periods" as outlined above. I understand that
this is **NOT** an application to receive a disability pension.

REQUIRED: Member's Signature: _____

Sworn to before me this
_____ day of _____

NOTARY PUBLIC