



## **WORLD TRADE CENTER PRESUMPTIVE DISABILITY AND DEATH BENEFIT LAWS: FILING DEADLINE EXTENDED TO SEPTEMBER 11, 2022**

Under the World Trade Center Presumptive Disability Law, active, vested, and retired members of the Teachers' Retirement System of the City of New York (TRS) who worked in the World Trade Center (WTC) rescue, recovery, or cleanup operations between September 11, 2001 and September 12, 2002 may file a "Notice of Participation" (code DI40) with TRS. The "Notice of Participation" serves to inform TRS that, due to their participation in the above operations, they believe that they have developed, or may develop, a qualifying disabling health condition; it is not an application for an accident disability retirement.

### **Active and Vested Members**

A "Notice of Participation" is required in order to preserve your right to file for disability under the World Trade Center Disability Law.

Active and vested members who file a "Notice of Participation" and are, or subsequently become, disabled, must file an accident disability retirement application for their tier. They must also meet the requirements of the World Trade Center Presumptive Disability Law in order to be entitled to a presumption that certain disabling conditions resulted from the work they performed in the WTC operations. This law does not guarantee that they would be approved for an accident disability retirement.

### **Retired Members**

Members who retired under a service or an ordinary disability retirement may file a "Notice of Participation" to establish eligibility for reclassification to an accident disability retirement if they currently or subsequently meet the accident disability standards under the applicable law. They must also file an accident disability retirement application when requesting this reclassification.

### **Death Benefits and Beneficiaries**

By filing a "Notice of Participation," active, vested, or retired members who meet the qualifying criteria and subsequently die from a qualifying condition or impairment of health may be entitled to a presumption that their death was related to participation in the WTC rescue, recovery, or cleanup operations; their eligible beneficiaries would be able to apply for an accidental death benefit.

Under the World Trade Center Death Benefit Law, eligible beneficiaries of members and retirees who meet all of the criteria for an accident disability retirement under the World Trade Center Presumptive Disability Law and who died as the result of a disease covered by these laws are eligible to apply for an accidental death benefit or for a reclassification of a retiree's retirement status in order to receive an accidental death benefit. Beneficiaries must file a beneficiary-specific "Notice of Participation" (code DI40b) if the member or retiree died without having filed a "Notice of Participation." (Under this law, retirees must not have been retired for more than 25 years at the time of their death.)

**TRS must receive the "Notice of Participation" on or before September 11, 2022.** Please include any supporting documentation (e.g., timesheets, official records of your participation, or letters from your supervisors or managers). You may obtain the Notice by accessing our website at [www.trsnyc.org](http://www.trsnyc.org).

**Before filing a "Notice of Participation," please read the information on pages 2 and 3.**

## **Who is eligible to file a “Notice of Participation” under the World Trade Center Presumptive Disability Law?**

- TRS members who participated in the WTC rescue, recovery, or clean-up operations during a qualifying period.
- TRS members who terminated employment with a vested right to deferred retirement benefits and who subsequently become incapacitated from a qualifying condition or impairment of health due to work performed in the WTC operations during a qualifying period.
- TRS retirees who retired after September 11, 2001 and subsequently became incapacitated from a qualifying condition or impairment of health due to work performed in the WTC operations during a qualifying period.
- Eligible beneficiaries of those members who participated in the WTC operations during a qualifying period and subsequently died from a qualifying condition or impairment of health without having filed a “Notice of Participation.”

## **What are the requirements for filing a “Notice of Participation”?**

- Members must have successfully passed a physical examination for entry into public service that did not indicate the existence of any qualifying condition or impairment of health related to the basis of any possible disability or, for those members who did not undergo a physical examination prior to entry into public service, authorized the release of all relevant medical records indicating that there is no evidence of a pre-September 11, 2001 condition or impairment of health related to the alleged disabling condition.
- Members must have participated in the WTC rescue, recovery, or clean-up operations at one or more of the following locations or worked on vehicles or equipment contaminated by World Trade Center debris (prior to decontamination of such vehicles or equipment) within the first 48 hours after the first airplane hit the World Trade Center, or for a minimum of 40 hours between September 11, 2001 and September 12, 2002:
  - World Trade Center Site: 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;
  - Fresh Kills Landfill;
  - New York City morgue or a temporary morgue on Manhattan west-side pier locations;
  - Barges that ran between the west side of Manhattan and the Fresh Kills Landfill.

## **What is the next step?**

After TRS receives your “Notice of Participation,” we will review it for completeness; you may be asked to provide additional supporting documentation.

We hope that this information addresses any questions that you may have about the World Trade Center Presumptive Disability and Death Benefit Laws. However, if you have additional questions, please call our Member Services Center at 1 (888) 8-NYC-TRS and speak to a Member Services Representative.

Qualifying Conditions or Impairments of Health:

- Diseases of the upper respiratory tract and mucosae, including rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyperreactivity, or a combination of such conditions; or
- Diseases of the lower respiratory tract, including but not limited to bronchitis and chronic obstructive pulmonary disease, 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
- New-onset diseases resulting from exposure as such diseases may occur in the future, including cancer, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

*This publication should not be solely relied upon, as it is based on currently available information that is subject to change. In all cases, the specific provisions of the governing laws, rules, and regulations prevail.*

*August 2019*