

# World Trade Center Presumption

New York State Office of the State Comptroller  
Thomas P. DiNapoli



## A Message from Comptroller Thomas P. DiNapoli

Americans will never 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. 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, often risking their own lives and health in the process.

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

Please read this information carefully. If you have any questions about the benefits described here, please contact our Call Center.

Sincerely,



Thomas P. DiNapoli  
State Comptroller



# Contents

Overview.....	3
Qualifying Conditions .....	4
Eligibility Requirements .....	5
Filing Requirements.....	6
Applying for Reclassification .....	7
Provisions for an Accidental Death Benefit .....	8
Frequently Asked Questions .....	9
How to Stay Informed .....	12
About This Publication.....	13

## Overview

If you participated in the World Trade Center rescue, recovery or clean up efforts, you may be able to take advantage of the World Trade Center Presumption Law. It provides a presumption that, if you are or become permanently disabled due to certain conditions and unable to perform your job, you can claim the condition was the result of your participation in the events of September 11th and after, unless it can be proven the condition was the result of other factors. If you are permanently disabled, this law will help you qualify for a World Trade Center accidental disability presumption or help your beneficiaries become eligible for an accidental death benefit.

The deadline for members to file a notice with NYSLRS of their participation in the World Trade Center rescue, recovery or clean up efforts has been extended to September 11, 2022 (Chapter 266, Laws of 2018). If you participated, and you meet eligibility requirements, we encourage you to file a World Trade Center Notice (RS6047-N). Filing this notice will protect your rights, and the rights of your beneficiaries to apply for benefits in the future.

## Qualifying Conditions

Qualifying conditions for this presumption include:

- Upper respiratory tract (rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions);
- Lower respiratory tract (bronchitis, chronic obstructive pulmonary disease, 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 (conjunctivitis, 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, asbestos-related diseases, heavy metal poisoning, musculoskeletal disease and chronic psychological diseases).

## Eligibility Requirements

To be eligible for this presumption, you must have been an active member on September 11, 2001, and:

1. Participated in the World Trade Center rescue, recovery or clean up operations for any period of time within the first 48 hours after the first airplane crashed or a minimum of 40 hours any time between September 11, 2001 and September 12, 2002 at:
  - The World Trade Center site (defined as the area below a line starting from the Hudson River and Canal Street bearing east on Canal Street to Pike Street, continuing south on Pike Street to the East River and extending to the lower tip of Manhattan);
  - 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.

You may also be eligible if you:

- Participated at specific New York City police department, fire department or emergency medical services sites during the first 24 hours after the first airplane crashed; or
  - Repaired, cleaned or rehabilitated vehicles or equipment owned by the City of New York, regardless of whether the work was done at one of the above locations.
2. Have been required to take, and then passed, a physical examination upon entry into public service, which did not show a qualifying condition. If you were not required to take a physical examination, you can authorize the release of all relevant medical records prior to September 11, 2001, showing no evidence of a qualifying condition. We highly recommend you gather, maintain and/or submit relevant medical records as early as possible to facilitate processing an application you may file in the future.
  3. Be found permanently incapacitated by the Retirement System due to the qualifying condition or health impairment, and unable to perform your job.
  4. If you are disabled, file an Application for World Trade Center Accidental Disability Presumption (RS6047-W). If you have not already done so, you must file an Application for World Trade Center Notice (RS6047-N) on or before September 11, 2022.
  5. To preserve your right to file at some time in the future if you are presently not disabled, file an Application for World Trade Center Notice (RS6047-N) on or before September 11, 2022.

# Filing Requirements

## **IF YOU ARE NOT DISABLED**

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If you meet requirements 1 and 2 under Eligibility Requirements, we strongly encourage you to file an Application for World Trade Center Notice (RS6047-N) by September 11, 2022. Filing this Notice will protect your rights, and the rights of your beneficiaries to apply for benefits in the future.

## **IF YOU HAVE NOT RETIRED FROM PUBLIC SERVICE**

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If you meet requirements 1 and 2 under Eligibility Requirements and wish to file for a disability benefit now, you must file an Application for World Trade Center Accidental Disability Presumption (RS6047-W). If you do not file for a disability benefit, and you have not already done so, you must still file an Application for World Trade Center Notice (RS6047-N) on or before September 11, 2022 to preserve your rights in the future.

## **IF YOU HAVE RETIRED FROM PUBLIC SERVICE**

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You may apply for a reclassification of your benefit to a World Trade Center accidental disability retirement if you meet requirements 1 and 2 under Eligibility Requirements 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 World Trade Center accidental disability retirement will become effective as of the date of reclassification. It is not retroactive to your date of retirement. Your option selection cannot be changed as a result of the reclassification.

## Applying for Reclassification

To apply for a reclassification of your service or disability retirement benefit to an accidental disability retirement benefit, you must:

- Meet the same eligibility requirements as previously stated; and
- Complete an Application for World Trade Center Accidental Disability Presumption (RS6047-W) and send it to the Retirement System. If you have not already done so, you must file an Application for World Trade Center Notice (RS6047-N) on or before September 11, 2022.

If you do not file for reclassification on or before September 11, 2022, you must still file an Application for World Trade Center Notice (RS6047-N) by that date to be eligible for reclassification should you become disabled in the future.

**Note:** Your employer, at the time of your retirement, will be given an opportunity to make a statement regarding your reclassification application.



## Provisions for an Accidental Death Benefit

Chapter 445 (Laws of 2006) provides for an accidental death benefit to the beneficiaries of certain retirees who participated in the World Trade Center rescue, recovery or cleanup. Your beneficiaries may convert your retirement benefit to an accidental death benefit by filing an Application for Conversion of Service or Disability Retirement to Accidental Death Benefit for Victims of the 2001 World Trade Center Disaster (RS6418-W) if:

- You, or your eligible beneficiary in the event of your death, filed an Application for World Trade Center Notice (RS6047-N) by September 11, 2022;
- You retired 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 your spouse, dependent children or dependent parent are eligible to receive the accidental death 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.

# Frequently Asked Questions

## 1. What is a presumption?

When we say “presumption,” we mean something is assumed in the absence of proof to the contrary. If you are found permanently disabled from performing the duties of your position due to a qualifying condition, unless the contrary is proven by competent evidence, we can presume your ailment was the result of your work in the World Trade Center site rescue, recovery or clean up operations if:

- Your pre-employment physical or your medical records prior to September 11, 2001, did not show any evidence of the qualifying condition; and
- You worked at the World Trade Center site as defined below.

## 2. I assisted in the recovery and clean up operations, but was stationed in various locations throughout the city. Am I eligible to take advantage of this presumption?

It depends where you were, since the law is very specific. To be eligible, you must have participated in rescue, recovery or clean up operations during the first 48 hours after the first airplane crash or a total of 40 hours between September 11, 2001 and September 12, 2002, at one or more of the following locations:

- The World Trade Center site (defined as the area below a line starting from the Hudson River and Canal Street bearing east on Canal Street to Pike Street, continuing south on Pike Street to the East River; and extending to the lower tip of Manhattan);
- The New York City (NYC) morgue or any temporary morgue;
- The Fresh Kills Landfill; and
- On the barges that ran between Manhattan and the Fresh Kills Landfill.

You may also qualify if you:

- Participated in the rescue, recovery or clean up operations at specific NYC police department, fire department or emergency medical services sites during the first 24 hours. Please see Chapter 489 (Laws of 2008) for details.
- Repaired, cleaned or rehabilitated vehicles or equipment, owned by the City of New York, contaminated by debris, regardless of whether the work was done at one of the above locations.

**3. Will this law grant me an accidental disability benefit?**

No, this law only provides the presumption that your disability may be the result of an accident if you are disabled due to certain qualifying conditions. If your retirement plan provides an accidental or performance of duty disability retirement benefit, and you are able to establish that you are permanently disabled, this law will help you qualify for a World Trade Center accidental disability presumption.

**4. I am an active member. Is there a filing deadline for this benefit?**

You must file a Notice of Participation on or before September 11, 2022. There is no deadline for you to file for a World Trade Center Accidental disability benefit.

**5. If I retired prior to September 11, 2001, am I eligible for this benefit?**

No. You must have been an active member on September 11, 2001.

**6. I retired after working at the World Trade Center site. If I develop a qualifying condition, does this law provide any additional retirement benefit?**

You may be able to reclassify your service or disability retirement benefit to a World Trade Center accidental disability benefit by filing an Application for World Trade Center Accidental Disability Presumption (RS6047-W). You must file the World Trade Center Notice on or before September 11, 2022.

**7. I participated in the rescue, recovery and clean up operations but have since left public service. Would I be eligible to apply for World Trade Center accidental disability benefits?**

As long as you meet all eligibility requirements, including filing a Notice on or before September 11, 2022, you can file an Application for World Trade Center Accidental Disability Presumption (RS6047-W). If you are a vested member, you can file at any time. If you are not vested, please see your plan booklet.

**8. Is there a deadline for filing for a reclassification?**

As long as you file a Notice with us on or before September 11, 2022, there is no deadline to file for a reclassification.

**9. If I retire with a service retirement and choose to receive a Partial Lump Sum (PLS) payment, will I still be able to file for a reclassification of my benefit to a World Trade Center accidental disability benefit?**

Yes, assuming you file a Notice with us on or before September 11, 2022. However, if you are approved, and your benefit is reclassified, you would be required to repay the PLS amount, plus interest. For more information about PLS, including eligibility, please read our brochure, *Partial Lump Sum (PLS) Payment at Retirement — For Eligible Retirement System Members (VO1750)*.

**10. I already retired with an accidental disability benefit. Does this law provide any additional retirement benefit?**

It does not provide an additional retirement benefit.

**11. I am retired and have one of the qualifying conditions. If I die due to this condition, does this law provide any additional benefit to my beneficiary?**

If you die within 25 years of your date of retirement and a valid World Trade Center notice was filed on or before September 11, 2022, eligible beneficiaries, as defined by law, may be able to convert your service or disability retirement benefit to a World Trade Center accidental death benefit. Your beneficiaries must file an Application for World Trade Center Accidental Death Benefit within the time limit specified by your retirement plan. Your beneficiaries relinquish any rights to any benefits that may have been payable to them under your retirement benefit, including any post-retirement death benefit, if the benefit is converted to a World Trade Center accidental death benefit. If your beneficiary eligible for the World Trade Center accidental death benefit is not the same person you designated to receive your service or disability retirement benefit on your option selection, the accidental death benefit will be reduced by the amount payable to any other beneficiaries.

**12. Where can I get more information?**

Email us or contact our Call Center toll-free at 1-866-805-0990, or at 518-474-7736 if you live in the Albany, New York area.

## How to Stay Informed

Your retirement benefits are an important part of a solid financial plan. They can help you and your beneficiaries achieve financial security in retirement or in the event of disability or death. Use these tips to help you understand your benefits and stay informed.

- Connect with us on social media.
  - Follow *New York Retirement News*, where you'll find tools to help you understand your benefits, as well as important Retirement System news.
  - You can also like us on Facebook and follow us on Twitter for quick tips and updates on a variety of retirement topics.
- Sign up for *E-News*, our free email newsletter, for the latest retirement news and information dedicated to pre-retirement planning.
- Read your member newsletter for current retirement information and updates on your benefits.
- Review your Member Annual Statement carefully and correct any errors quickly.
- Visit our website frequently to learn about your benefits, download forms, read informative booklets and brochures, and get tips on preparing for retirement.
- Attend a pre-retirement presentation to learn about the retirement process, know what you can expect and discuss post-retirement issues. At your employer's request, we offer these presentations designed for members within five years of retirement eligibility.
- Make an appointment to visit any of our consultation sites where you can meet with an Information Representative to discuss special concerns or request specific information.
- Notify us if your mailing address changes, so you can stay up-to-date about benefits. This is especially important if you leave public employment before you are eligible to retire.
- Contact us with any questions you have about your benefits.

## About This Publication

This publication provides a general summary of retiree benefits, rights and responsibilities, and is not a substitute for any New York State or federal law. For specific information about your benefits, please contact us. To learn about benefits you may be eligible to receive through the federal government, visit the Center for Disease Control's (CDC) website, or email the CDC at [WTC@cdc.gov](mailto:WTC@cdc.gov).

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