



Legislation Details (With Text)

**File #:** Res 0040-2018      **Version:** A      **Name:** NYCERS tto determine that members are disabled for purposes of disability pensions, if the NYS Workers' Compensation Board determines that a member has a permanent partial disability, and the U.S. Social Security Administration determines that a member is

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Civil Service and Labor

**On agenda:** 1/31/2018

**Enactment date:**      **Enactment #:**

**Title:** Resolution calling upon the New York City Employees' Retirement System to determine that members are disabled for purposes of disability pensions, if the New York State Workers' Compensation Board determines that a member has a permanent partial disability, and the U.S. Social Security Administration determines that a member is disabled for substantial gainful (work) activity, and approved for social security disability benefits

**Sponsors:** Robert E. Cornegy, Jr., Karen Koslowitz, Diana Ayala, Farah N. Louis, Kalman Yeger

**Indexes:**

**Attachments:** 1. Res. No. 40, 2. January 31, 2018 - Stated Meeting Agenda, 3. Committee Report 6/20/19, 4. Hearing Testimony 6/20/19, 5. Hearing Transcript 6/20/19, 6. Proposed Res. No. 40-A - 7/17/19, 7. Committee Report 12/17/19, 8. Hearing Testimony 12/17/19, 9. Hearing Transcript 12/17/19, 10. Committee Report - Stated Meeting, 11. December 19, 2019 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 12-19-19, 13. Minutes of the Stated Meeting - December 19, 2019, 14. Minutes of the Stated Meeting - January 31, 2018, 15. Hearing Transcript - Stated Meeting 01-31-2018

Date	Ver.	Action By	Action	Result
1/31/2018	*	City Council	Introduced by Council	
1/31/2018	*	City Council	Referred to Comm by Council	
6/20/2019	*	Committee on Civil Service and Labor	Hearing Held by Committee	
6/20/2019	*	Committee on Civil Service and Labor	Laid Over by Committee	
12/17/2019	*	Committee on Civil Service and Labor	Hearing Held by Committee	
12/17/2019	*	Committee on Civil Service and Labor	Amendment Proposed by Comm	
12/17/2019	*	Committee on Civil Service and Labor	Amended by Committee	
12/17/2019	A	Committee on Civil Service and Labor	Approved by Committee	Pass
12/19/2019	A	City Council	Approved, by Council	Pass

Res. No. 40-A

Resolution calling upon the New York City Employees' Retirement System to determine that members are disabled for purposes of disability pensions, if the New York State Workers' Compensation Board determines that a member has a permanent partial disability, and the U.S. Social Security Administration determines that a

member is disabled for substantial gainful (work) activity, and approved for social security disability benefits  
By Council Members Cornegy, Koslowitz, Ayala, Louis and Yeger

Whereas, When employees of the City of New York are injured on the job, they become eligible for various Federal, State and City benefits; and

Whereas, City employees who are injured in the course of their duties may be eligible for workers' compensation benefits, Social Security disability benefits and disability retirement pension benefits; and

Whereas, The New York State Workers' Compensation System, the U.S. Social Security Administration, and the New York City Employees' Retirement System (NYCERS) all have thorough processes for determining whether a City employee injured at work is eligible for benefits; and

Whereas, NYCERS has the sole discretion to determine whether an employee injured in the course of their job is eligible for disability retirement; and

Whereas, As confirmed by case law from 2008, NYCERS has the sole independent authority to determine eligibility for disability retirement based on the system's Medical Board's analysis and determination; and

Whereas, It is possible for an injured worker to be classified as "disabled" by, and receive benefits from, the New York State Workers' Compensation Board and the U.S. Social Security Administration, but be simultaneously denied a disability retirement by NYCERS; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Employees' Retirement System to determine that members are disabled for purposes of disability pensions, if the New York State Workers Compensation Board determines that a member has a permanent partial disability, and the U.S. Social Security Administration determines that a member is disabled for substantial gainful (work) activity, and approved for social security disability benefits.