



Legislation Text

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Res. No. 1458

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

By Council Members Cornegy and Gentile

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 benefits and accidental retirement disability benefits; and

Whereas, The New York State Workers' Compensation System, the U.S. Social Security Administration, and the New York City Employee 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 an accidental retirement disability pension; and

Whereas, As confirmed by case law from 2008, NYCERS has the sole independent authority to determine eligibility for an accidental retirement disability pension based on the system's 1-B 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 an accidental disability pension by NYCERS; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Employee

Retirement System to determine that members are disabled for purposes of disability pensions, if both the New York State Workers Compensation Board and U.S. Social Security Administration determine that a member is disabled.

MWC
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