

**Remarks for Committee on Civil Service & Labor Hearing/Vote
Resolution 0040-2018: Calling for NYCERS to recognizing SSA & NYS Workers
Comp Board disability benefits approvals**

Unfortunately, Council Member Cornegy could not be here to speak on Resolution 40 due to falling building debris resulting in a pedestrian fatality in Manhattan. He has asked me to read this statement on his behalf:

Resolution 40 calls for a change of burdens people bear in accessing disability pensions, versus the burden the New York City Employee Retirement System, NYCERS, bears. It calls for NYCERS to take on board the concurrent findings for disability benefits by the New York State Workers Compensation Board and the United States Social Security Administration.

When Workers Comp and S.S.A. have both found an injured worker eligible for benefits, NYCERS needs to act, not make that injured worker jump through yet another process of paperwork and delays to access their accidental disability pension.

This resolution relies on a basic finding from social sciences: the choices government makes in designing systems has real world consequences for the people who have to navigate those systems.

This Resolution says the design of this system should change to reflect the fact that: in Workers Comp and in S.S.A., we already have two examinations as to an injured workers' circumstances. NYCERS should take those findings and create an altogether less burdensome, easier to navigate, and more common-sense system.

I thank all my colleagues voting in favor of Resolution 40, and voting in favor of our efforts to make that more common-sense system a reality for New Yorkers.

Thank you.

###

TESTIMONY BEFORE THE COMMITTEE ON CIVIL SERVICE AND LABOR HEARING
ON 9/11 SURVIVOR HEALTH BENEFITS
TUESDAY, DECEMBER 17, 2019, 1:00 PM

Thank you, Chair Miller, Chair Rosenthal, members of the Committee on Civil Service and Labor, and members of the Committee on Women and Gender Equity for convening this hearing. My name is Steven Banks and I serve as the First Deputy Commissioner & General Counsel at The New York City Office of Labor Relations, and I am honored to discuss the Mayor's proposals to expand health insurance benefits both to the survivors of all City employees who participated in rescue, recovery and cleanup operations on and during the days following 9/11, and for the survivors of all City employees who die from the natural and proximate result of an accident or injury sustained while in the performance of duty. Joining me is Sherif Soliman from the Mayor's Office to assist with any questions you may have.

Although the events of 9/11 occurred over 18 years ago, the effects of that day continue to impact all New Yorkers and their families, including City employees who took part in the rescue, recovery, and cleanup efforts in connection with the World Trade Center (WTC) attacks. While City residents still remember the tragedy of that day, they also remember the service of their fellow New Yorkers who responded when called, rescued those in need, and participated in recovery and cleanup efforts. During those days of shock and horror, these employees served as a beacon for hope and normalcy. It is our duty and our honor to assist these everyday heroes and their families as they deal with the ongoing impact of the day's events.

As we know, those who responded to Ground Zero also unknowingly were exposed to toxic dust in the area following the Towers' collapse. Heartbreakingly, this toxic dust has caused many responders to contract respiratory and other illnesses. Many have suffered for years and some have died. Equally, those who responded to the Fresh Kills landfill, the morgue or temporary morgue and other locations have contracted illnesses that have cut their careers short and, tragically, ended their lives too soon. While nothing can make up for the tragic loss of life experienced by these employees' families, as a City we can and must support them as they deal with the fallout of the loss of their loved ones.

In the years since 9/11, the State Legislature, the City Council, and various Mayoral administrations have demonstrated their commitment to these employees and their families through the enactment of various policies and legislation. The City has expanded the health and leave benefits to active employees, and the State Legislature has enacted accidental disability benefits paid through retirement, and accidental death benefits provided to survivors in the event of an employee's death.

With respect to pension benefits, the State "WTC Presumption Law", which was enacted in 2005 and amended thereafter to expand benefits, establishes a presumption that certain enumerated illnesses in the New York State Retirement and Social Security Law were contracted as the result of participation in WTC rescue, recovery, and cleanup operations. Those persons deemed to have

participated according to eligibility criteria in the law may qualify for accident disability benefits and, in the event of death, their survivors may qualify for an accidental death benefit.

Among the health and leave benefits the City provides to its employees is the WTC Excused Leave Policy, which applies to employees who seek an initial evaluation with a WTC Health Program at one of the Centers of Excellence including three NYC Health + Hospitals programs. Additionally, this year the City introduced an Unlimited Sick Leave policy for civilian employees suffering from chronic 9/11 related illnesses and who need time away from work. City employees are also entitled to annual leave, sick leave, and line-of-duty-injury (LODI) leave, any of which can be used for a 9/11-related injury or illness.

Together, our City has worked to honor the commitment of those who answered a call to duty on 9/11 and in its aftermath, but we recognize that more needs to be done.

It is for this reason that Mayor de Blasio and the Council have collaborated on the proposals before you today. Intro 1785 would provide health insurance benefits for the survivors of all City employees who have died from 9/11-related illnesses resulting from their participation in rescue, recovery, and cleanup operations. The bill also provides survivor health benefits to the survivors of all City employees who have died from on-the-job injuries.

By providing health benefits to the survivors of employees who have died due to 9/11-related or other service-related injuries, this bill seeks to erase the gaps in existing law, which provides survivor health benefits to the families of all Police Officers, Firefighters, and Emergency Medical Technicians (EMTs) who die from a service-related injury during active service or retirement, but not for other City employees. This benefit should be the standard for all City employees and not just for a subset.

Unlike Police Officers, Firefighters, and EMTs, the survivors of uniformed Correction Officers and Sanitation Workers receive survivor health insurance benefits only if their family member died in active service, but are ineligible if their family member died from a 9/11-related injury after they retired. The harsh reality of 9/11 illnesses is that they could manifest themselves after retirement, or could become more pronounced during retirement for those retiring on accident disability, leading to more line-of-duty deaths occurring long after an employee has separated from service. Intro 1785 would eliminate the question of when a 9/11-related death occurred to be consistent with other titles under current law.

The families of civilian employees who die as a result of service-related injuries, whether 9/11-related or for injuries sustained as the natural and proximate result of an accident sustained while in the performance of duty, currently receive no such survivor benefit under existing law. In the case of the latter, these gaps have led to several instances in which the Council and the Mayor have passed bills to address these individual families' circumstances. Rather than amend the law each time a tragedy occurs, it is appropriate to take definitive and comprehensive measures now that ensure that future such families receive the assistance commensurate with that received by other NYC employees.

Today the Committee is also considering Intros 1786 and 1810, which have also been introduced at the request of the Mayor. These bills would authorize the City to provide health insurance benefits to the survivors of two specific employees who were recently killed in the line of duty, one from the Department of Sanitation and one from the Department of Transportation.

Thank you again for holding a hearing on this important topic, which has sadly impacted too many of New York City employees' families. We look forward to working with the Council to move forward with this important legislation.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1785, 1786, 1810 Res. No. _____

in favor in opposition

Date: 12/17/17

(PLEASE PRINT)

Name: STEVE BANKS

Address: _____

I represent: OLR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1785, 1786, 1810 Res. No. _____

in favor in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: SHARIF SOLIMAN

Address: CITY HALL

I represent: FIRST DEPUTY MAYOR

Address: CITY HALL

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: Joe Puleo

Address: 125 Barclay Street NY NY 10007

I represent: President, Local 983, DC 37

Address: _____

Please complete this card and return to the Sergeant-at-Arms