



Legislation Text

File #: Res 0040-2018, **Version:** A

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.

MWC/MMB
LS 9924/Res. 1458
LS 945
7/16/19; 2:42 p.m.