



THE ^{Little} ^ TXT BOOK OF CIVIL SERVICE DISABILITY

- RETIREMENT PENSIONS -

BY JORDAN ZIEGLER, ESQ.

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Disclaimer: This Little Txt Book of Civil Service Disability Retirement Pensions is intended to be easy reading on a difficult subject. Civil Service Disability Retirement Pensions are a serious matter and should not be taken as lightly as the concept of this book. If you are injured on the job, please seek immediate medical attention and contact our offices right away so we can help you get all the benefits to which you are entitled.

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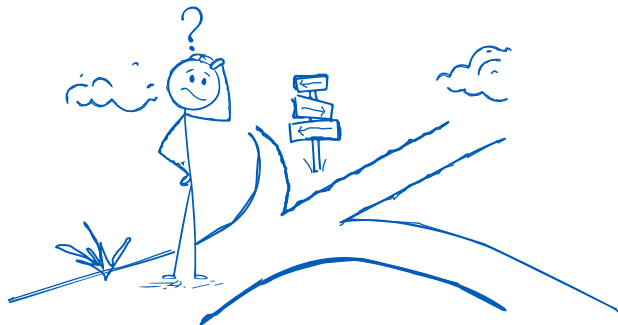
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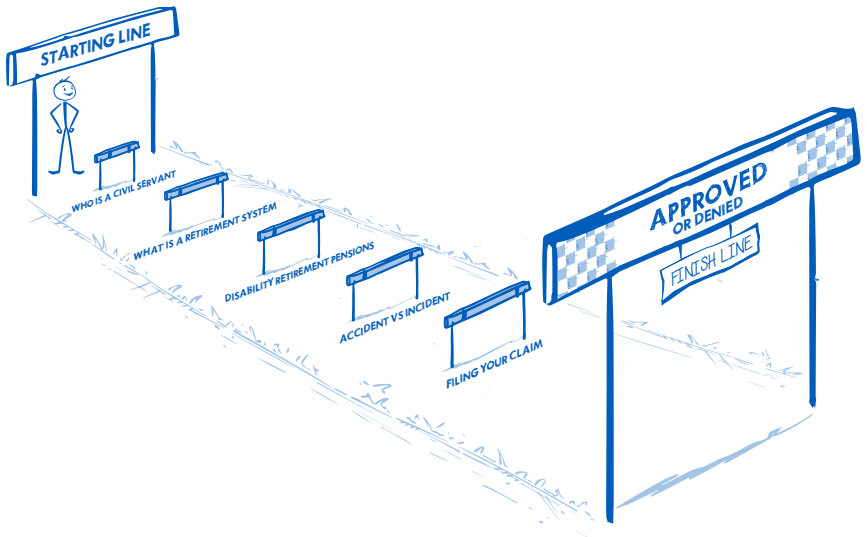
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HURDLES TO CLAIMING YOUR DISABILITY PENSION BENEFIT



CHAPTER 1

Are you, your family members, or friends civil service workers?

Civil service workers are also known as public sector employees, civil servants, or municipal employees.

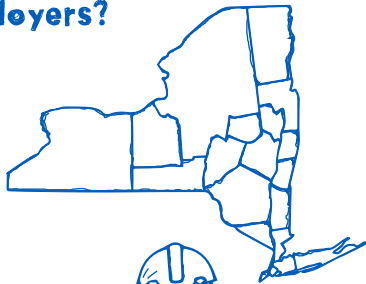
If you work for a municipality, you are civil service and also a member of a public sector Retirement Pension System (see Chapter 5).



CHAPTER 2

Who are civil service employers?

Employers can be the state, cities, counties, towns, villages, school districts, or transportation authorities in New York.



CHAPTER 3

I don't wear a uniform. Can I still be in civil service?

YES!!! Many do not necessarily wear uniforms, such as teachers, office workers, case workers, probation officers, auto mechanics, carpenters, plumbers, etc.

If your employer's name begins with

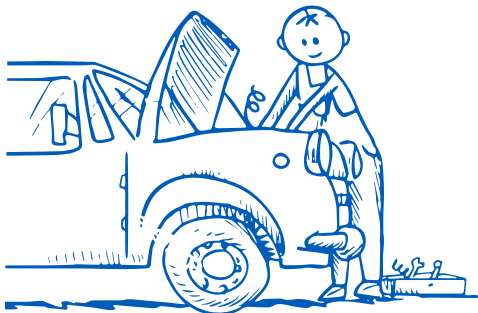
State of...

Town of...

Village of...

City of...

etc., you are most likely in civil service.



CHAPTER 4

What's a Retirement System?

Retirement Systems provide lifetime pensions to their members when they reach certain ages or years of service. However, they also provide a Disability Retirement Pension benefit if workers are permanently injured and cannot return to their job titles.



CHAPTER 5

What are the systems and what are the names of the pensions?

HELLO MY NAME IS

NYSLRS

There are many different pension systems in New York and they are often referred to by their alphabet soup letters..

- ▶ NYSLRS: New York State and Local Retirement System
- ▶ NYSERS: New York State Employees Retirement System
- ▶ NYSP&F: New York State Police and Fire Retirement System
- ▶ NYSTRS: New York State Teachers Retirement System
- ▶ NYCERS: New York City Employees Retirement System
- ▶ NYCP&F: New York City Police and Fire Systems
- ▶ BERS: Board of Education Retirement System
- ▶ NYCTRS: New York City Teachers Retirement System
- ▶ MaBSTOA: Manhattan and Bronx Surface Transit Operating Authority
- ▶ MTA: Metropolitan Transportation Authority

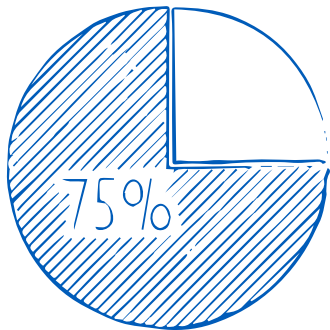
ALL the individual systems have different rules, procedures, guidelines, and even different application forms!

CHAPTER 6

What is a Disability Retirement Pension?

If workers become permanently disabled from performing their specific job duties, they may be eligible for a lifetime disability pension. Generally, these pensions are called **“Three Quarter”** Pensions, but that’s like saying “Band Aid” for adhesive bandages, “Q-Tip” for cotton swabs, or “Google” for search engines. It’s a generic term because not all situations or employees are entitled to **75% of their salary if permanently disabled.**

Unfortunately, many civil servants who become permanently disabled will receive much less than **75%**. Many actually receive an amount as low as one third (33.33%) of their Final Average Salary.



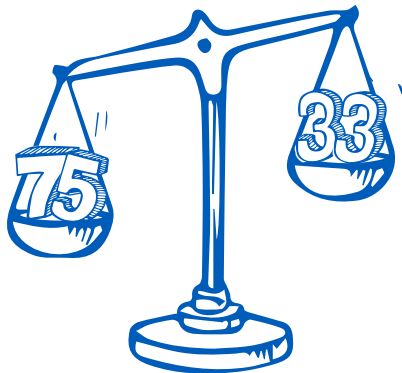
CHAPTER 7

3/4 vs 1/2 vs 1/3

Your job title and the way you were injured will determine your disability pension benefit. This can get VERY complicated.

These pensions are generally known as
Accidental ... Performance of Duty
... Ordinary ... Heart Bill ...
World Trade Center Presumptive ...
607-C... Article 15 ... or Article 14
Disability Pensions.

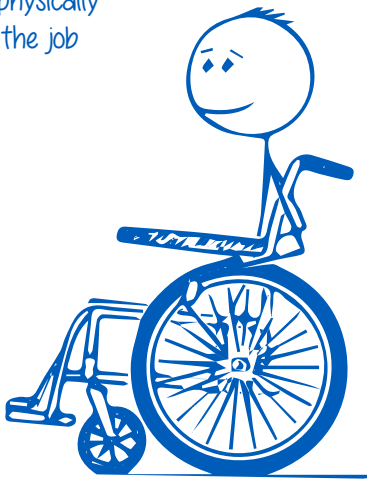
There are many more, but these cover most.



CHAPTER 8

How disabled do I have to be to get a Disability Pension?

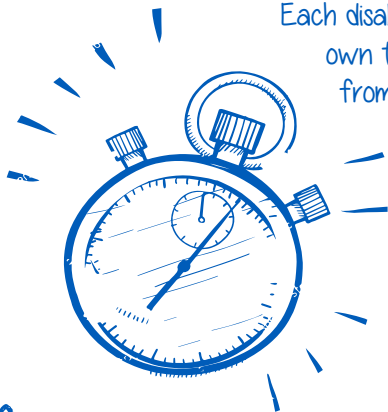
You have to be permanently, physically or mentally disabled to perform the job duties of your specific job title.



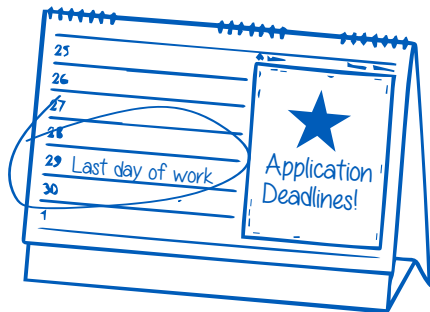
CHAPTER 9

What are the time limits to file for a Disability Pension?

You may have to “notify” your retirement system of an injury. It can be by telling your employer in writing within 30 days of your injury, or telling the retirement system within 90 days, or filing the paperwork within a year of your injury.



Each disability pension application has its own time limits to file. They can range from as few as 3 months to 2 years from the last date you were on payroll depending on which retirement system you are in and what disability application you are filing.



Some World Trade Center applications may be filed at any time for the rest of your life or by your survivors regardless of when you were off payroll, but only if you first filed the **proper Notice of Participation forms.**

Pay attention to deadlines for specific application(s) you are filing. Always note when you stopped working, are planning to stop, or were terminated and removed from payroll.

CHAPTER 10

Do I have to be completely out of work to file?

No, you do not. However, it is recommended that at a minimum, you are on restricted or limited duty. Being on restricted duty for extended periods of time, or earning overtime, while on restricted duty has its own issues.

For example, if you are working light duty for two or more years or making more than 100 hours of overtime per year, then you might have to prove you're disabled from your current or past light duties rather than your actual, full duties of your job title.



CHAPTER 11

"Tiers" not "tears"

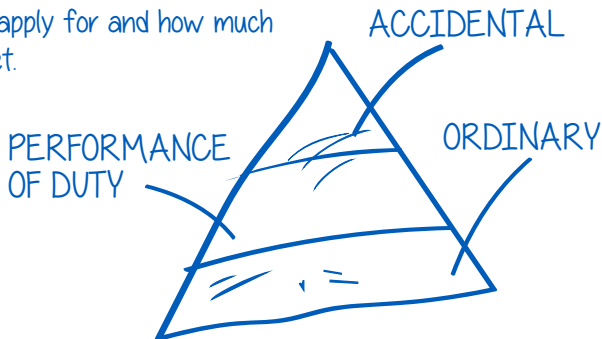
It is important to know which "TIER" you belong to in your specific retirement system. Your Tier is determined by the year and date you joined or rejoined a retirement system.



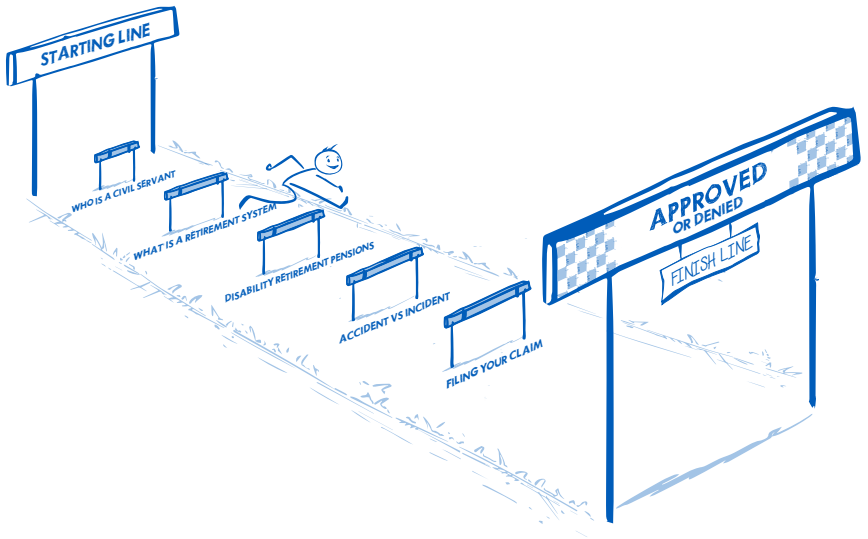
CHAPTER 12

Why is my Tier important for Disability Pension?

The combination of your Tier, your Retirement System, and your individual job title will determine what type of disability pension benefits you can apply for and how much money you can get.



YOU'VE CLEARED HALF THE HURDLES



CHAPTER 13

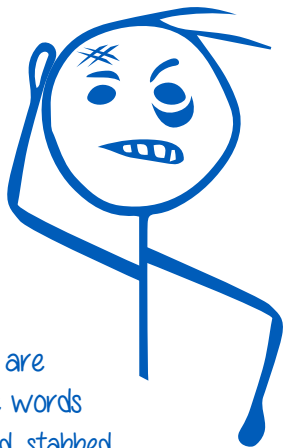
What's an "Accident"?

Sometimes words ending with "-ED"

To be eligible for an "Accidental" Disability, under all pension systems, you must prove that the **EVENT** that caused your permanent disability was an "**ACCIDENT**" as that term is defined by the Retirement and Social Security Law (RSSL).

Unfortunately, there is no statutory example of an accident under the Retirement and Social Security Law.

What have been accepted as **ACCIDENTS** are not always clear but in general, they include words that end with the letters "ed" such as pushed, stabbed, punched, assaulted, crashed, or exploded.



CHAPTER 14

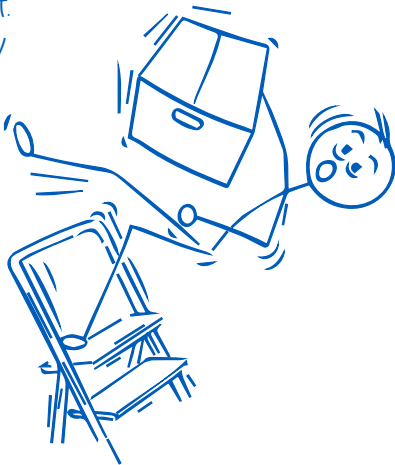
What's an "Incident"?

Sometimes words ending with "-ING"

"Incidents" are when you're injured in the regular course of employment. If it's not an "Accident" it probably will be called an "Incident"

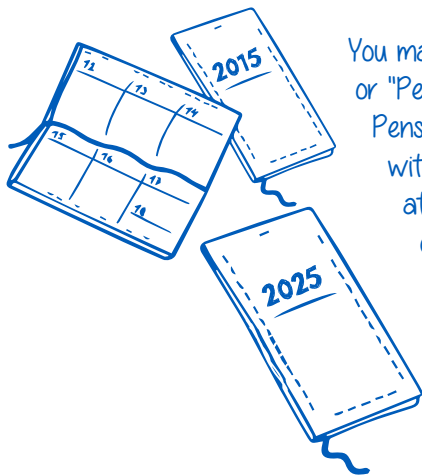
Words ending in "-ING"

are usually incidents - running, jumping, tripping, lifting, pushing, pulling, slipping, bending, twisting, carrying, reaching, arresting, subduing, or training. If you are hurt doing any of these activities, you most likely had an incident.



CHAPTER 15

It's not an Accident. Can I still get a Disability Pension?

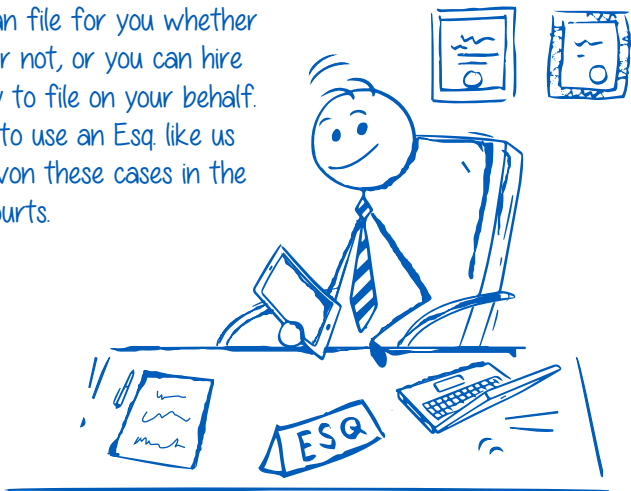


You may be entitled to an "Ordinary" or "Performance of Duty" Disability Pension if you filed an application within the time limit and have at least the required years of creditable service.

CHAPTER 16

Who can file?

You can file on your own, your employer can file for you whether you like it or not, or you can hire an attorney to file on your behalf. Make sure to use an Esq. like us who have won these cases in the appellate courts.



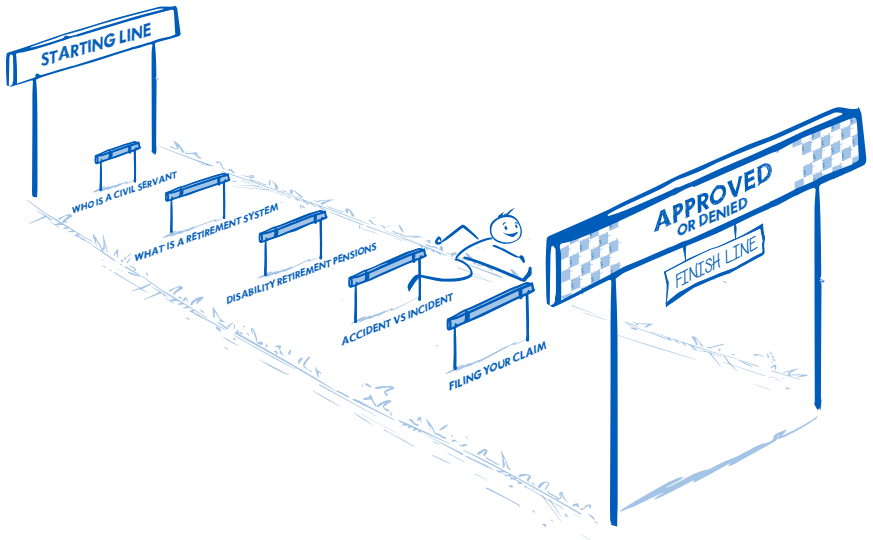
CHAPTER 17

What happens after I file?

After you file, the retirement system will conduct its own investigation, including a medical examination by the pension system's designated doctor. They will then process the application and approve or deny you.



ALMOST TO THE FINISH LINE



CHAPTER 18

I was denied!! Now what?

Depending on which retirement system you are in, the first option may be to refile your application. You will need new, additional medical evidence, and be within the filing time limits. One major benefit to refiling an application may be that you can, if applicable, claim new and/or additional disabling conditions.

If the issue is Accident vs Incident or for other reasons that you cannot simply refile, your option may be to ask for a hearing and redetermination or appeal.



CHAPTER 19

I lost my first appeal. Are there any more?

If you have exhausted your appeals in a Retirement System, you may be able to appeal the final decision to the courts of New York State. Unfortunately, attempting to overturn the retirement system's decision is extremely difficult, expensive, and the chances of success are generally low.

Find that ESQ. like us who have won appeals.



CHAPTER 20

I was approved! **Now What?**



Now What?

You will be asked to choose an "option" on how you and which, if any, of your beneficiaries will receive pension payments. Amount of the monthly payment is based on the option you choose.

It's always a good idea to consult with a financial advisor before making a decision.

CHAPTER 21

How long does the whole process take?

Some applications can take anywhere from 6 months to more than 2 years for a determination. If your application is denied, these time periods can easily double or triple.



STARTING LINE

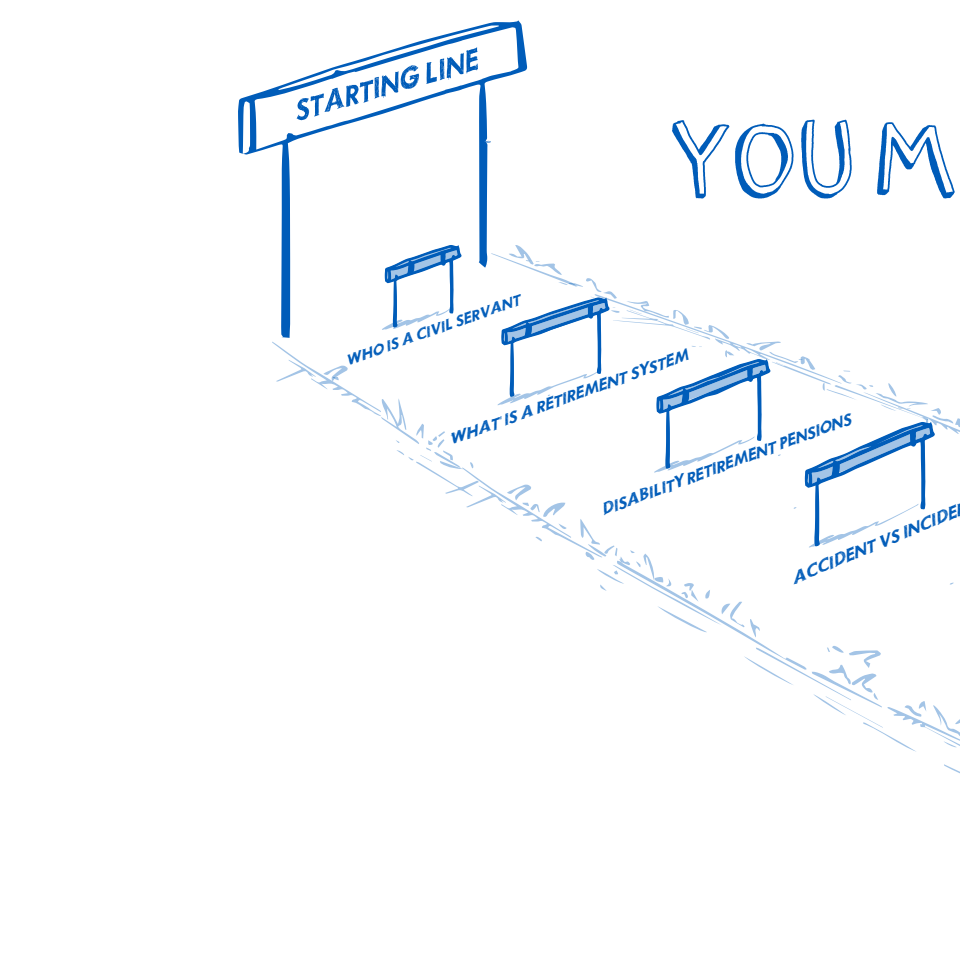
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WHO IS A CIVIL SERVANT

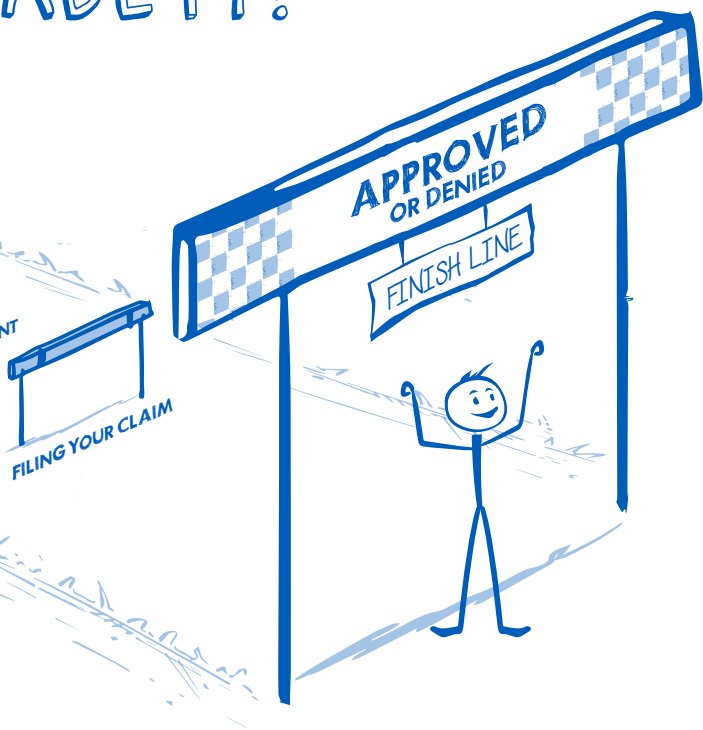
WHAT IS A RETIREMENT SYSTEM

DISABILITY RETIREMENT PENSIONS

ACCIDENT VS INCIDENT



MADE IT!



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NOTES



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