



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
April 15, 2020 Edition



NEW YORK STATE ASSEMBLYMAN INTRODUCES COVID-19 PRESUMPTION ACCIDENTAL DISABILITY PENSION AND DEATH BENEFITS BILL

Recognizing that many of state's public employees are essential workers and can become permanently disabled or die from exposure to the COVID-19 virus, State Assembly Government Employees Committee Chair Peter Abbate has introduced legislation (A10239) to establish a COVID-19 presumption for accidental disability retirement and accidental death benefits for public employees.

Chairman Abbate's measure, which amends the retirement and social security law, will provide emergency medical personnel, firefighters, police officers, correction officers, sanitation workers, transportation workers, teachers and other public employees with a three-quarters accidental disability retirement allowance who become disabled because of exposure to COVID-19. In addition, the bill provides death benefits to the families of public employees who die due to the exposure of the COVID-19 illness during the performance of their duties.

Some New York City Tier II pension members may not be included in this initial version of the legislation. Revisions are currently under consideration and the actuaries of the respective impacted pension systems are developing the necessary fiscal notes.

Senator Andrew Gounardes is working on a companion bill in the Senate.

TRANSIT WORKERS UNION AGREES TO \$500K DEATH BENEFIT TO FAMILIES OF TRANSIT WORKERS THAT HAVE DIED OF COVID-19

Transit Workers Union Local 100 ("Local 100") and Transport Workers Union of America ("TWU") came to an agreement with the Metropolitan Transportation Authority ("MTA") that provides a COVID-19 death benefit for TWU members who have died after being infected.

The MTA will pay \$500,000 in a lump sum to the spouse, beneficiary or estate of each deceased member who was in active service on or after February 1, 2020. The agreement provides the COVID-19 death benefit to members of TWU Locals: Local 100, Local 106, Local 2001, Local 2055 and certain unrepresented employees.

FEDS PROPOSE EXPANSION OF BENEFIT PROGRAM FOR PUBLIC SAFETY OFFICERS THAT BECOME DISABLED OR SUCCUMB TO COVID-19

New York City Congressman Jerry Nadler introduced a bill in the House of Representatives that expands a federal program to provide benefits to police, firefighters and other public safety officers who become permanently disabled by COVID-19 or death benefits to their families if they died from COVID-19.

The new legislation is an expansion of the program that Congressman Nadler authored after the September 11, 2001 attacks which provided disability and death benefits for public safety officials killed or permanently injured during their response to the attacks. The new legislation will provide benefits for public safety officers that have suffered long-term conditions related to the Sept. 11 attacks and remained on duty and then have their condition worsened by exposure to COVID-19.

Under the terms of the new legislation, any officer that contracts COVID-19 while on duty or up to 45 days before going off-duty could become eligible for benefits if their injury results in permanent disability. The text of the legislation is not yet available. Any determination regarding impacted titles is pending the definition of “public safety officer” in the legislation.

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