

NYCERS extends deadline to file WTC notice (form #622) until JUNE 14, 2009!

PERSONAL INJURY - LODIS

SANITATION SUPERVISOR gets \$1 Million for tripping over metal plate and retires

Sanitation Supervisor tripped and fell over a defective metal plate in M5. The City knew about the metal plate but failed to properly correct the condition. As a result, our client sustained a knee injury, underwent multiple surgeries and never returned to work. After lengthy negotiations with the City attorneys, a settlement was reached in the amount of \$1,000,000.

SANITATION WORKER GETS \$125,000 for tripping over the same metal plate but only lost 3 months

Sanitation Worker tripped and fell over same defective plate in M5 as the Supervisor above approximately 1 year later. He underwent one knee surgery, and was able to return to full duty after 3 months. We were able to successfully negotiate a settlement for \$125,000 (or approx \$42,000 for each month he lost!)

IMPORTANT: If you are injured on the job due to: a defective or broken city vehicle, cracked sidewalk, a hole in your garage floor, broken step, broken floor, poor drainage, poor or broken lighting, a persistent leak, an oil spill, a downed truck, don't wait: **FILE A NOTICE OF CLAIM WITHIN 90 DAYS OF YOUR ACCIDENT WITH THE NYC COMPTROLLER**

ACCIDENT DISABILITY PENSION

SANITATION WORKER HITS POTHOLE WHILE RUNNING A RELAY - GETS 3/4 PENSION!

Sanitation worker was performing a relay when he hit severe ruts and potholes in the roadway. It was later determined that the truck he was driving had a broken chassis and bad tires. This LODI caused him to sustain permanent injuries to his spine which prevented him from returning to full duty. We successfully obtained his 3/4 tax free accident disability pension based upon the facts and the injuries he sustained.

SANITATION WORKER SLIPS AND FALLS ON OIL WHILE PICKING UP GARBAGE BAG, WINS 3/4 ACCIDENT DISABILITY PENSION

Sanitation worker doing normal collection on a dark morning, picked up a bag, turned towards the truck and slipped and fell on oil. He didn't see the oil under the bags and fell resulting in back surgery. NYCERS initially concluded he was disabled, BUT determined that his fall was an incident not an accident. Our office filed an appeal and the Medical Board was reversed and he was awarded his 3/4 accident disability pension.

SANITATION WORKER SLIPPED ON MIRROR - WINS 3/4 DISABILITY PENSION

While performing routine collection, Sanitation Worker Charles McKoy slipped on a mirror and injured his back. He never returned to work. Our office successfully filed and obtained his accidental 3/4 disability pension as a result of his Line of Duty Injury.

DID YOU KNOW?

If you are on LODI or out sick for more than 1 year, the DOS can medically separate you however you may not be eligible for a pension. Be sure to get all the facts!

HOW TO WIN AT NYCERS:

FIRST, YOU MUST HAVE AN “ACCIDENT” ON THE JOB TO QUALIFY FOR 3/4. THE DISTINCTION BETWEEN AN “ACCIDENT” AND “INCIDENT” IS IMPORTANT. AN “ACCIDENT” IS AN UNFORESEEABLE EVENT WHICH CAUSED AN INJURY WHICH PREVENTS YOU FROM DOING YOUR JOB FULL DUTY.

SECOND, YOU MUST APPLY WITHIN 2 YEARS OF YOUR LODI

THIRD, YOU MUST HAVE A PERMANENT PHYSICAL DISABILITY WHICH PREVENTS YOU FROM DOING YOUR JOB.

IMPORTANT THINGS TO REMEMBER:

☞ IF YOU HAVE AN ACCIDENT (on the job or off the job) **AND THE CITY MAY BE INVOLVED -YOU MUST FILE A NOTICE OF CLAIM WITHIN 90 DAYS.**

☞ IF YOU HAVE A LODI, YOU HAVE 2 YEARS FROM THE DATE OF YOUR L.O.D.I. TO FILE FOR AN ACCIDENT DISABILITY PENSION WITH NYCERS.

☞ THE FILING OF A PENSION WITH NYCERS DOES NOT REQUIRE AN ATTORNEY.

IF YOU ARE INVOLVED IN A LODI WITH A CITY VEHICLE, YOU MAY BE ELIGIBLE FOR EXTRA MONEY FROM THE CITY, here is how:

-> **File for NYS No-fault Benefits with the City Comptroller within 30 days of your accident.**

Case in point: Our client was run over by his sanitation truck in September 2005, he was officially retired in October 2006. For those 13 months of lost overtime, chart and holiday, the NYC Comptroller paid him \$11,355.47 (NYS Law states that no fault benefits are paid at 80% of total lost payments).

HEART BILL PENSION:

► This pension creates a presumption that eligible members who develop heart disease after passing a pre-employment physical examination at the time of original appointment incurred that disease in the performance of duty. Eligible members are entitled to a disability benefit equal to three-quarters of Final Average Salary.

► **To win**, you must prove to NYCERS that due to your cardiac disability that you can't do your job. Simply having a heart attack may not be sufficient.

COMPLETING YOUR LODI REPORT:

► If you are involved in a LODI, it is very important that the supervisor fill out the complete report including the “Type of Unsafe Condition”, using codes C1 through C9.

► Try to avoid writing “N/A”, this is interpreted by NYCERS as Not Applicable and may result in the denial of your 3/4 accident disability pension.

For more information on these or any other matters, call, write or email:

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The information presented is designed for general information only, it should not be construed to form legal advice nor the formation of a lawyer/client relationship. Any questions about NYCERS pensions - call their medical division at 347-643-3000