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Personal Injury - LODI Accidents • NYCERS Disability Pensions
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RECENT PENSION CASES:

SANMAN SLIP AND FALLS WORKING BEHIND TRUCK DUE TO HOIST OIL LEAK – GETS ¾: Sanman was in the field during collection, as he cycled the truck, he slipped and fell on hoist oil dripping from a leaking part of the hopper. Right shoulder injury with surgery, never returned to work. NYCERS awarded him a ¾ Accident Disability Pension.

SUPERVISOR'S CAR HIT BY CIVILIAN CAR – While working as a field foreman, our client was in her car when a private vehicle struck her car. Resulting in left knee surgery and inability to return to full duty. NYCERS agreed and awarded her a ¾ Accident Disability Pension.

**** We also brought a lawsuit against the private civilian car.** They only had a \$25,000 minimal policy which was tendered. Our client unfortunately did not have sufficient SUM coverage with her carrier so we were limited to the \$25,000 from the Car. It is very important to make sure you maintain a SUM (Supplemental Underinsured/Uninsured Motorist) policy to protect you from these situations.

SANMAN'S TRUCK HIT BY CIVILIAN CAR – Sanman in collection truck struck by a civilian car. The impact was significant enough to cause knee injury with surgery. He was unable to return to full duty and NYCERS agreed, awarding him a ¾ Accident Disability Pension.

SANMAN TRIPS OVER SEWER GRATE COVERED BY GARBAGE BAGS – Sanman was doing routine collection. The stop was covered with bags which happened to cover a sewer drain. The sewer cap was misleveled leaving a hidden tripping hazard. As he picked up the bag, he tripped over the curb and injured his Right Shoulder, leading to surgery and inability to return full duty. NYCERS agreed, awarding him a ¾ Accident Disability Pension.

RECENT NEGLIGENCE CASES:

SUPERVISOR TRIPS OVER REBAR DURING FACILITY CHECK - Supervisor falls over rebar in the spreader aisle at BK17, left shoulder surgery, back to work full duty, we settled for \$350,000!

SUPERVISOR TRIPS OVER THE SAME REBAR DURING FACILITY CHECK - Supervisor falls over the same rebar in the spreader aisle 18 days later. Has shoulder & knee surgery, also returns to full duty. Because of the first case, the City was on notice and BBM failed to fix the tripping hazard. We settled for \$500,000!

SANITATION WORKER TRIPS IN MARKED HOLE IN M6 DURING RAIN - Sanman looking for his truck in M6 parking lot, during the rain, trips in huge hole that was previously spray painted and marked for repair but BBM never got to it. He fell injuring both shoulders, had surgery and with 20 years on the job, never returned to work. We helped him apply for and win his 3/4 Pension & we settled with the City for \$1,750,000!! The City knew about the hold and simply didn't fix it.

SUPERVISOR TRIPS OVER DANGEROUS FLOOR PLATES DURING FACILITY CHECK - Supervisor inspecting basement of garage, stepped on a metal floor plate that caved in. City didn't have prior plate was defective. He had right knee surgery and luckily was only out of work for 90 days. We obtained \$200,000 for those 90 days!

SANMAN EXITS MOVING TRUCK, GETS RUN OVER AND WALKS AWAY WITH \$300K - Sanman exits cab before it came to a complete stop, front tire ran over his foot. Multiple surgeries, luckily he returned to full duty. Despite video coverage, we were able to secure a good settlement given the circumstances of \$300,000!

SANMAN GETS \$450,000 FOR BK15 DECK

Sanman exited his locker at BK15 which was surrounded by a wood deck that was not maintained by BBM. As he stepped on the deck, a wood plank flipped up causing him to fall and sustain knee injury with surgery. He returned to full duty. City admitted never maintaining the BK15 deck, we settled for \$450,000!

SANMAN TRIPS OVER CEMENT POLE BASE AT BK15 PARKING LOT -

Sanman entered BK15 parking lot and tripped over a cement base for a fence that was removed years ago. BBM left the tripping hazard where employees walk in and out of the yard. He had elbow and wrist surgery, out 6 months and back to full duty – we got him \$590,000!!

QUESTIONS OFTEN ASKED:

Why does it take so long to finish a Lawsuit against the City? City takes longer to process cases - typical cases take 3-5 years due to budget cuts at Agencies & Corporation Counsel.

How long does it take to get a 3/4 Pension?

NYCERS is severely understaffed and disorganized. Prior to covid, an application could take 60 days, now the average is 12 months.

Can DSNY medically separate me while my pension is pending? YES! In the old days, DSNY would carry someone beyond the 1 year LODI if the pension was pending. Now, the new administration eliminated that courtesy. If you are on LODI, be aware that soon after the 1 year you will be contacted by the Clinic and informed of a pending termination date. Meanwhile, NYCERS runs a different agenda and YOU will be left without a job and salary while the pension is being processed.

-> Don't Delay Filing for a Pension if you think you have career ending injuries.

Can I file for a Service Pension and 3/4? YES,

If you have your service time and are suffering from a LODI injury, NYCERS encourages you to file your 3/4 pension application first, then immediately file your Service Pension.

HEART BILL CASES ♥:

Heart Bill cases continue to be very difficult to win at NYCERS. The rule is very specific - you must be suffering from Cardio Vascular Disease, or Coronary Artery Disease. Any other disabling conditions

(chronic, etc.) are typically denied.

PENSION INCOME LIMITATIONS

In Tier 4, if you are awarded 3/4, you can still earn income in a job title that doesn't mimic your role at DSNY.

In Tier 6, which was linked to Social Security, you are required to apply for SSD which limits your earnings potential. If you don't win SSD, you are still extremely restricted in what you can earn. Visit NYCERS and read NYCERS Form 958.

SUPPLEMENTAL UNINSURED MOTORIST COVERAGE:

Make sure your personal car policies have sufficient insurance to protect you and your families! A cheap premium doesn't help anyone when its you!

**** IF YOU HAVE A CASE AGAINST THE CITY OF NY, YOU MUST FILE A NOTICE OF CLAIM WITH THE COMPTROLLER WITHIN 90 DAYS.**

Always Document your LODI: Take Photos, Get Witnesses - Protect Yourself!

Help Yourself - Help Your Co-Worker

- The report YOU create can be helpful but also have long term consequences if not prepared correctly.
- Very important to visit scene of accident
- Identify the cause of the accident
- USE the Correct Code for TYPE OF UNSAFE CONDITION - Don't use C11 - This will only hurt the member If they present to NYCERS.

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