



PEC Connection

Official Publication of the New York State Public Employee Conference, Inc.



Chairman's Message

It's hard to believe it was more than one year ago that we all gathered together to watch as Governor Pataki put his signature on the 9/11 Presumptive Disability Law. That was a great day that will be remembered by those of us who put in so much time and effort to get that bill signed.

August 14 was another great day for the labor movement as we gathered again to watch as the Governor signed three very important bills into law. Labor leaders from many of our member unions came out to the bill signing ceremony, held at the Family Viewing Area at Ground Zero.

The first bill signed by the Governor, commonly referred to as the Zadroga Bill after the NYC Detective it was named for, provides an accidental death benefit to survivors or members who die as a result of 9/11-related illnesses or injuries after having filed for a presumptive disability for that illness or injury. I want to congratulate Michael Palladino, President of the Detectives' Endowment Association, on highlighting the importance of this bill and bringing it to the forefront. He pushed hard for this bill and worked with the Senate and Assembly on getting this legislation drafted. Once again we received strong support from Senate Majority Leader Joe Bruno and Assembly Speaker Sheldon Silver when they sponsored this bill and pushed to get it passed by their respective Houses.

Unfortunately, 9/11 is just a distant memory for too many. However, for those directly affected and their families, the diseases and illnesses that linger are too harsh a reality check than most should ever have to face. It is just now that many who put their lives on the line that horrible day to help save the lives of thousands are succumbing to their illnesses. And how many more will die in the future is too staggering a number to think about.

This new law guarantees that surviving family members of those who die from 9/11-related illnesses will be taken care of financially.

The second bill Governor Pataki signed was PEC's

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New Law Sends Much-Needed Message to Workforce

Speaking before a crowd of labor leaders, municipal workers and the media, Michael Palladino, President of the Detectives' Endowment Association, said that the signing into law of the Zadroga Bill sends a much needed message to first responders that they will be taken care of in the future.

"To run where the brave dare not go and to plunge into hell for a heavenly cause, that is what our people did on September 11 and the months that followed in the rescue, recovery and clean up effort," Palladino said. "Our people helped New York City rise up out of the rubble and come back to life. And in doing so, some are sick and disabled and some, like Det. James Zadroga, are going to die as a result of their 9/11-related work."

Palladino said this legislation was so important because

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Reclassification Bill that amends existing law signed last year to clarify the provisions of presumptive eligibility of retired members for World Trade Center disability pensions. Retired members can now file a sworn statement of participation in the rescue and recovery effort, not a request for the reclassification of benefits.

The third new law enables many workers who became ill after the expiration of the statutory two-year worker's compensation filing deadline to resubmit their claim for further consideration.

It wasn't that long ago that we all stood together and thanked Governor Pataki for signing the 9/11 Presumptive Disability Law into law. He promised then that he would take care of those who sacrificed on 9/11 ... and he has. Today is further proof that when he says he will deliver for public employees, he does.

It takes a whole team to successfully get legislation passed by both Houses of the State Legislature and signed into law by the Governor. As Chairman of the Public Employee Conference, I could not do it alone. While it involved a whole team, I would especially like to thank the following:

Bing Markee, Chair of the 9/11 Committee and Co-Chair of the Legislative Committee

Floyd Holloway, Legislative Committee Co-Chair

Lou Matarazzo, Legislative Director

Members of the 9/11 Committee: John Dunne, Uniformed Fire Officers' Assoc.; Chris Heimgartner, Legislative Representative, NYPD Lieutenant's Benevolent Assoc.; Joe Mannon, President, Sanitation Officers Assoc.; Charles Morello, President, NYS Professional Fire Fighters Assoc.; David Rosenzweig, President, Fire Alarm Dispatchers Benevolent Assoc.; Jim Slevin, VP, Uniformed Firefighters Assoc.; and Gordon Warnock, 2nd VP/Legislative Director, New York State Troopers PBA.

New Law Sends Message to Workforce

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unfortunately, there will be many others like Det. Zadroga in the months and years that follow.

Palladino said this new law permits municipal workers to work with the confidence that if they become disabled as a result of their 9/11-related work, they will be taken care of. And if that disability causes their death, their families will be taken care of in the form of a pension and health benefits.

Bing Markee, First Vice President of the Port Authority PBA, said that standing at Ground Zero for the bill signing — on property policed and maintained by the Port Authority — was of great significance to those members who put their lives on the line that fateful day, asking nothing in return for their heroism.

"While they asked for nothing as they rushed in to save as many as they could, our members now facing serious illnesses will feel a huge sense of relief knowing that their families will be taken care of when the time comes," Markee said.

"What we have done here today is the right thing to do," Palladino said, as he thanked Legislative leaders who acted in solidarity to get this bill signed. "I want to say thank you to the Speaker of the Assembly Sheldon Silver for introducing this bill for us. I want to say thank you to Senate Majority Leader Joe Bruno for his support. A special thanks to [Assemblyman] Peter Abbate and former NYPD Officer and now Senator Martin Golden for carrying the bills for us in their respective houses. This piece of legislation would not be law if it did not bear the signature of our Governor, George Pataki.

"By enacting this bill today and by signing into law the World Trade Center Disability Bill last summer, he has proven beyond a shadow of a doubt that he recognizes and understands the risks taken by our people and the sacrifices made by labor on 9/11. Mr. Governor, you have proven once again that you are not only a governor by the people, but a governor for the people as well."

Mayor's Disregard for 9/11 Responders Irks Many

It seems the only one speaking out against the Zadroga Bill and protecting surviving family members of first responders is Mayor Bloomberg.

"It was really sad to see that the Mayor didn't support the bill — and in fact spoke out against it — after he received so much support from so many unions in the City," said PEC Chair Peter Meringolo. "To make matters worse, his outlandish statement about having to close one more firehouse or one more library because of the financial cost of this new law to the City really irked the labor movement.

"What he's saying is that one more death of a firefighter, one more death of a police officer, or one more death of a municipal labor worker means nothing to this City. It's just one more family without the financial means to survive. It seems quite logical that there are many places the City could be cutting money if the Mayor is worried about the financial implications of this new law. For instance, how about not paying out hundreds of thousands of dollars in frivolous lawsuits filed by prisoners. That makes more sense," Meringolo said.

Other labor leaders agreed, and said Mayor Bloomberg should stop whining because he didn't get his way.

"Governor Pataki saw the importance of this legislation, and that's what matters," Meringolo said. "You can't put a value on a human life, particularly one that didn't think twice about saving the lives of so many others."

As the Governor stated, there are many safeguards built into these new laws. The labor movement is well aware of how much the Mayor overinflates the cost of programs and benefits in order to benefit the City. "I'm sure the Mayor wasn't thinking clearly when he said the City could close a firehouse or library in order to make up the money. He certainly couldn't have meant to imply that we'd leave any families without coverage in case of a fire," Meringolo said.

Gov. Signs Zadroga & Other 9/11 Bills into Law

Monday, August 14 was another monumental day for the New York labor movement as Governor Pataki signed three new bills into law aimed at assisting 9/11 rescue workers.

The first new law permits application for accidental death benefits to families of police officers, firefighters, and other uniformed personnel who participated in the rescue, recovery and clean-up operations at the World Trade Center site.

The second law eliminates the statute of limitations to allow rescue and recovery workers who retired from public service to later have their retirement status reclassified as accidental disability if illnesses related to their work on the rescue, recovery and clean-up operations on 9/11 later surface.

The third law enables many workers who became ill after the statutory two-year workers' compensation filing deadline expired to resubmit their claim for further consideration.

The Governor also announced a comprehensive plan to ensure that 9/11 rescue workers receive prompt access to the benefits and health care they rightfully deserve under the State's workers compensation system.

"New York will never forget the heroes of September 11, the men and women who tirelessly worked at the site of the world's most horrific terror attacks, to help save lives, recover the remains of loved ones and begin the rebuilding process in

Lower Manhattan," Governor Pataki said. "The brave men and women suffering from hidden health issues stemming from September 11 should not be denied benefits because of a statutory time limit that they had no hope of meeting."

"As it is clear that many champions of 9/11 have developed debilitating illnesses over time resulting from their selfless acts, these New Yorkers need to know that New York State will not abandon them. These new laws and this comprehensive package open doors and remove obstacles to obtaining benefits expeditiously. While we may never be able to fully repay our heroes, this is a significant step in providing for the needs of many as they nurse themselves back to health.

"On September 11, nearly 3,000 lives were lost. Today, we must also provide for the families of our heroes that we have since lost due to illnesses related to their rescue, recovery and clean-up efforts. The legislation I sign into law today will ensure that the loved ones of these brave men and women will be provided for and receive appropriate benefits," the Governor said.

The comprehensive plan addresses five key areas: altering the statute of limitation provisions of the Workers Compensation Law, offering accidental death benefits to fami-

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Governor Signs Bills Into Law

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lies of uniformed service personnel who died from 9/11 related illnesses, eliminating the statute of limitations and allowing retired rescue and recovery personnel who later experience 9/11-related illness to reclassify their retirement and qualify for accidental disability, ensuring access to critical care while workers claims are being processed, and expediting access to medical treatments that generally require pre-approvals. Elements of the new plan include:

- ◆ Legislation (S.8348) that alters the two-year deadline for certain claims by directing the Workers' Compensation Board to apply the standards of "Occupational Diseases" for claimants who have developed illnesses over time as a result of their services during rescue, recovery and clean-up operations following the September 11 attacks. There is no statute of limitations for claims submitted by individuals who volunteered at the World Trade Center site or the Staten Island Landfill, as those benefits are paid through the federal grants.

Under the current Workers' Compensation Law, a worker who is injured on the job as the result of a specific, identifiable workplace incident must file a workers' compensation claim within two years of the date of the accident. Workers who develop illnesses as a result of exposure to harmful elements directly related to their employment are classified as having sustained an occupational illness. The deadline for "Occupational Disease" cases extends to two years from the time in which the claimant knew or should have known that the condition is related to his or her employment. Often occupational illnesses do not manifest themselves for a long period of time.

- ◆ Legislation (A.11255-A) to permit the families of eligible public employees who participated in the rescue, recovery and cleanup efforts and who die of a disease covered by the presumptions law the Governor signed last year to apply for accidental death benefits. In the case of uniformed employees of the police and fire departments, such benefits would equate to 100% of salary benefits.

- ◆ Additional legislation (A.10731-A) that eliminates the statute of limitations to permit those involved in the World Trade Center rescue, recovery and clean-up

operations who retired and later became disabled from illnesses related to their service, to have their retirement status re-categorized as accidental disability. This re-classification would provide more generous benefits provided they file a sworn affidavit of their participation in the WTC operations by June 14, 2007.

- ◆ Calls on workers' compensation insurers and self insured employers to exercise an option created and enacted as part of Governor Pataki's 1996 Workers' Compensation reforms, which enabled insurers to expeditiously pay for medical treatment without prejudicing their right to further litigate a claim or admitting liability to the claim.

- ◆ Directs the Workers' Compensation Board to expand the use of the MD-1 program created in 2002. The program utilizes Orders of the Chair to address insurers' failure to act in a timely fashion as required by law. The measure will ensure swifter access to medical care for claimants who have not received authorization for non-emergency health care procedures, such as MRI's and surgery.

Insurers are expected to provide authorizations or denials within 30 days of a request for medical treatment. This provision will direct the Chair to authorize procedures when a claimant is left to languish for more than 30 days without a response from the insurer.

- ◆ Provides immediate relief for workers injured at Ground Zero or related activities by using a portion of the \$50 million grant from the federal government to provide benefits to volunteers to pay for medical treatment during the period in which a claimant's workers' compensation case is being controverted by the insurer. ◆



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