



World Trade Center Catastrophe Victim Compensation Fact Sheet
September 28, 2001

VICTIMS ARE ELIGIBLE FOR MANY KINDS OF COMPENSATION

The unprecedented scale of the World Trade Center catastrophe is forcing employers, government agencies and insurance companies to cast aside "business-as-usual" policies. Long-standing rules and regulations have been and are being amended on a daily basis in order to cope with the crisis. All of the information in this factsheet is correct as of the date of publication, but readers are cautioned to check for more recent developments.

Who is eligible for government compensation?

- Anyone who lost time from work because of an injury or needed medical care for an injury resulting from the attack
- Anyone who lost time from work because of emotional trauma or needed medical care for emotional trauma resulting from the attack
- The dependents of anyone who was killed in the attack
- Anyone who lost personal property as a result of the attack or whose property was damaged
- Anyone whose residence or place of business must be cleaned or repaired before it can be used normally

There are several different government agencies that can provide benefits:

- New York State Workers' Compensation Board
- New Jersey Division of Workers' Compensation
- Federal Office of Workers' Compensation Programs
- New York State Crime Victims Board
- New York State Unemployment Insurance
- New Jersey Unemployment Insurance
- New York City Human Resources Administration

You may be eligible for compensation from more than one agency, because there is considerable overlap between the eligibility requirements of the different programs.

WORKERS' COMPENSATION

What's wrong with using medical insurance to obtain medical care for an on-the-job injury or illness?

Anyone who uses their medical insurance to obtain treatment for an on-the-job injury or illness could be making a mistake that might

eventually compromise their medical care and cost them many thousands of dollars.

For most workplace injuries and illness, the distinction between treatment funded by workers' compensation and that funded by medical insurance is not important, because the

condition will be corrected and that will be the end of it. But if a worker depends on medical insurance to obtain treatment for an injury or illness that produces ongoing disability or that results in a condition that could reoccur months or years later, the worker is taking the risk of someday lacking any coverage to pay for the treatment of a condition that ought to have been put under the ongoing coverage of workers' compensation.

Medical care that is funded by medical insurance might appear to be the same as care that is funded by workers' compensation, but there is a big difference between them. When the treatment of a job-related injury or illness is funded by workers' compensation, then the

injured or sick worker is assured of having access to necessary treatment of the same condition or a recurrence of the condition in the future. No such assurance is possible if the treatment is funded by medical insurance, because the insurer could place a cap on the amount of treatment or the injured worker could lose coverage as a result of a change in employment status.

In addition, if an injury or illness prevents a worker from working for more than five days, workers' compensation provides monetary wage-replacement benefits. If the worker's medical care is funded by medical insurance, the worker is not eligible for any wage-replacement payments.

What are the dangers of filing a claim without the assistance of a lawyer?

The workers' compensation system is full of pitfalls that can adversely affect anyone who attempts to pursue a claim without the assistance of their union or an attorney. If an employer challenges a workers' compensation claim, the employer will demand a court hearing and a judicial determination about the claim's validity. At such a hearing, employers are almost always represented by attorneys who know every rule and precedent that could be used to oppose establishing a valid claim.

Many law firms that specialize in workers' compensation cases have agreed to charge no fee for providing representation to the families of workers who were killed in the World Trade Center catastrophe. Even firms that have not agreed to waive their fee cannot collect any fee for a workers' compensation case unless the case is successful. NYCOSH strongly advises anyone who wishes to file a claim not to do so on their own. NYCOSH can provide the names and telephone numbers of attorneys who have expertise in workers' compensation law and a strong commitment to obtaining the maximum possible compensation for their clients.

Some victims of the World Trade Center catastrophe may be entitled to file their workers' compensation claim in New Jersey, which has a schedule of benefits that differs substantially from New York's. In most cases, New Jersey benefits are greater than New York's, except for death benefit cases involving workers who died without any dependents. Any worker who has a connection with New Jersey, such as having been hired in New Jersey or residing in New Jersey, should consult with an attorney about whether to file a workers' compensation claim in New Jersey or New York.

Death benefits. Most of the workers in the World Trade Center who were killed while at work or while attempting to leave work are eligible for New York or New Jersey workers' compensation death benefits. Death benefits will be paid to the worker's dependents. A spouse is entitled to collect death benefits until he or she remarries. Children are entitled to death benefits until they are 21 (or 23 if they are full-time students.) In New York the maximum death benefit for a spouse is \$20,857 per year. In New

Jersey a spouse could collect \$30,816 per year. New York workers' compensation pays a \$50,000 death benefit to the estate of a worker who died with no dependents. New Jersey pays no death benefit to a dependentless worker's estate. In addition, workers' compensation will pay up to \$6,000 for funeral expenses.

Death certificates will be issued on an emergency basis. Normally, New York State requires that a person remain missing for three

years before issuing a death certificate, but the state has agreed to issue death certificates for people who are missing in the World Trade Center without delay. In the event that a death certificate is delayed the New York State Workers' Compensation Board has announced that it will certify the deaths of workers who are missing for purposes of filing a workers' compensation claim. Dependents of missing workers are strongly advised to obtain the assistance of an attorney to file a claim.

Compensation for injuries and illnesses. All workers who were injured while at work or while attempting to leave work and workers who became ill as a direct result of something that occurred while at work or attempting to leave are eligible for monetary wage-replacement

If you intend to file a New York State claim, you have two years to file, but you must inform your employer of the injury or death by October 9, 2001!

A worker or dependent who intends to file a claim but has not contacted their union or an attorney needs to take some action by October 9 or they may lose the right to file a claim in New York State. If a worker or dependent has not made any other arrangements, the worker or dependent should telephone the injured or deceased worker's employer by October 9, and inform the employer that the employee was injured or killed while at work on September 11. In New Jersey, the employer must receive notification of the injury or death within 90 days of the incident. It may be possible for an eligible person to proceed with a claim even if the 30-day (or 90-day) "notice" requirement is not fulfilled, but giving the employer notice with a phone call will insure that a claim can be filed in the future.

Information for your employer. A worker or dependent who makes such a telephone call to the employer should give the employer the covered worker's name and work address and state that the injury, illness or death occurred at work on September 11. If the employer asks for more information, the caller should say that any questions should be directed to the attorney handling the case. If no attorney has been retained, the caller should tell the employer that an attorney will contact the employer as soon as

benefits and/or medical care. Any disabling illness arising from the events of September 11 (such as emotional trauma or a respiratory condition caused by smoke inhalation) may be covered by worker's compensation.

Compensation for emotional trauma.

Workers who require medical care or miss work as a result of emotional trauma and other stress-related conditions may be eligible for workers' compensation, even when there is no physical injury. Workers who suffer from emotional trauma as a result of events that they witness (such as an airliner hitting a tower or people jumping from windows) may be eligible for workers' compensation, even if their workplace was not in the World Trade Center.

one has been retained. The caller should make a record of the date and time the employer was called and the name of the person to whom the caller spoke.

Undocumented workers are eligible for workers' compensation. A worker's immigration status has no bearing on the worker's eligibility for workers' compensation. Workers who are not properly documented are eligible for the same workers' compensation benefits that are available to documented workers, but NYCOSH strongly recommends that undocumented workers get the assistance of an attorney or their union before filing a claim.

Workers who file claims on their own need to obtain proof of injury or illness. Workers who choose to pursue claims without professional assistance will need to obtain proof of injury. If the worker received medical care on September 11, the worker (or the worker's family) should obtain a copy of the records of that care. If the worker is unable to obtain such a record or if the record does not state that the injury or illness occurred while at work, the worker should get treatment from a doctor immediately and tell the doctor that the injury or illness occurred at work on September 11. Claimants who need

compensation for emotional trauma should also get immediate treatment from a licensed healthcare provider and tell the provider that the condition occurred at work. If a worker obtains follow-up treatment for a condition resulting from the events of September 11, the worker should tell the healthcare provider that the condition is work-related. Once the worker's employer has been informed of the injury or illness and a physician has made a record that the condition is work-related, the worker has two years to file a claim. Before a worker or the worker's dependent files a claim, they should consult with their union (if they belong to one) or with a workers' compensation attorney.

NYCOSH strongly recommends that questions be addressed to your union or an attorney. You can also obtain information about New York State workers' compensation by telephone from New York State Advocate for Injured Workers at 1-800-580-6665. Information about New Jersey Workers' Compensation is available at 1-609-292-2414.

FEDERAL WORKERS' COMPENSATION

Federal civilian employees who were injured while on duty on September 11 or during subsequent rescue operations are covered by the Federal Employees' Compensation Act. Surviving spouses of Federal employees and dependent children are also entitled to benefits, as are rescue workers who have been deputized by the Federal Emergency Management Administration (FEMA). Federal workers'

compensation does not pay benefits to the estates of employees who do not have any dependents.

Federal employees with traumatic injuries are entitled to up to 45 days of continued pay, and after that can receive up to 75 percent of their salary as long as they are disabled. The compensation also includes all necessary medical care for the effects of injury and vocational rehabilitation as needed. Survivors are entitled to between 50 - 75 percent of the deceased employee's pay, based on the number of dependents. Search and rescue workers, when deputized by FEMA, are entitled to the same benefits as Federal workers for injuries while involved in the emergency activities.

If you have questions about federal workers' compensation claims relating to the September 11 catastrophe, call 202-693-0040 for assistance. Basic information about obtaining forms and filing claims can be obtained at the toll-free help line, 1-866-999-FECA (999-3322). The New York office of the Federal Office of Workers' Compensation Programs is handling claims from the World Trade Center. The New York office contact number is 212-337-2037.

COMPENSATION FOR NEW YORK CITY POLICE AND FIREFIGHTERS

City police and firefighters should contact their union concerning compensation claims arising from the World Trade Center catastrophe.

CRIME VICTIMS' COMPENSATION

Workers' compensation covers only people who were at work or attempting to leave work when injured or killed. Crime Victims' Compensation, on the other hand, potentially covers anyone who was injured or killed as a result of the World Trade Center catastrophe, whether at work or not. Crime victims' compensation is available in addition to the benefits received from workers' compensation, but the amount of the crime victims' benefit is reduced by the amount received from other sources. For example, an injured crime victim is eligible for \$600 per week to replace lost earnings, but if that person receives \$400 per week from workers'

compensation, they would receive only \$200 per week from crime victims' compensation.

Benefits for those not eligible for workers' compensation. To be eligible for crime victims' compensation a person must have been injured or killed (people who are over 60 years old or under 18 or who were disabled before September 11 may be eligible for crime victims compensation even though they were not injured.) Crime victims' compensation will pay benefits for medical or other related services not covered by other insurance or benefit programs.

It will also pay up to \$600 per week for lost earnings or loss of support; burial expenses; occupational rehabilitation expenses; counseling services; the cost of repair or replacement of essential personal property lost, damaged or destroyed; and up to \$2,500 for clean-up

expenses.

You can obtain information about Crime Victims' Compensation by telephone from 1-800-331-0075 or 1-800-833-6885 (TTY)

FEDERAL EMERGENCY MANAGEMENT AGENCY MINIMAL REPAIRS ASSISTANCE

If a person living in the vicinity of the World Trade Center was injured or killed as a result of the September 11 events, the cost of cleaning and repairing their residence to make it safely habitable is covered by Crime Victims' Compensation. If a person's residence must be

cleaned but the person was not injured, the cost of cleaning the residence is covered by the Federal Emergency Management Agency Minimal Repairs Assistance program. For information about the Minimal Repairs Assistance program, call 1-800-462-9029.

UNEMPLOYMENT INSURANCE

Workers in New York State who are unemployed due to the September 11 attack on the World Trade Center should call the New York State Unemployment Insurance Telephone Claims Center at 1-888-209-8124 as soon as possible. At the urging of the New York State AFL-CIO, Governor Pataki issued an Executive Order waiving the one-week waiting period for unemployment insurance claims filed as a result of the terrorist attack on the World Trade Center. By law, applicants for unemployment insurance are not normally eligible to collect benefits until one week after losing a job. The Governor's order waives the waiting period for individuals who are now unemployed as a direct result of the attack.

Workers should note that unemployment benefits are available to anyone who has become unemployed because of the September 11 attack, including workers in industries, such as the airlines, that have announced layoffs because of the public reaction to the catastrophe.

Normal wage and work history criteria must be met to receive unemployment insurance benefits. However, people living or working in Bronx, New York, Kings, Queens or Richmond counties may be eligible for Disaster Unemployment Assistance (DUA) resulting from

the effects of the World Trade Center attack. DUA was created specifically for workers who find themselves suddenly jobless as result of a disaster and who do not qualify for regular unemployment insurance benefits. This can include persons who have become the breadwinner or major support for a household because the head of the household died as a direct result of the disaster. Only those found ineligible for normal unemployment insurance can be eligible for Disaster Unemployment Assistance.

Injured workers are also eligible for DUA even if they do not meet the "able and available for work" requirement of Unemployment Insurance (UI). Because of diminished telephone capabilities and larger than normal call volume, you may experience a long wait in filing for benefits over the telephone. If at all possible stay on the line until you have completed the claim. You should call as soon as possible since it may take several weeks before you receive benefits.

You can obtain information about New York State Unemployment Insurance by telephone from 1-888-209-8124.

Workers in New Jersey with unemployment insurance claims should call 201-601-4100.

FOOD STAMPS

New York State has set up a Disaster Food Stamp Benefit Program (DFSBP) for households directly impacted by the catastrophe. Under DFSBP, households anywhere in the five boroughs of New York City may be eligible for food stamp assistance (or additional assistance if they already receive foodstamps) if they experience any of the following:

- Loss of food, including food that is inaccessible near ground zero or food lost as a result of a power outage
- Damage to or destruction of the household's home or self-employment business
- Disaster-related expenses not expected to be reimbursed during the benefit

period (e.g. home or business repairs, temporary shelter expense, etc.)

- Loss or inaccessibility of income including reduction of income, termination of income or a delay in receipt of income
- Inaccessible liquid resources (e.g. banks closed due to the disaster)
- An increase in household size as a result of providing shelter to someone dislocated by the catastrophe

Applications for DFSBP will be accepted at New York City's Family Assistance Center at the Twin Towers Service Center, 180 Water Street. HRA has also set up an information line at 1-877-472-8411.

INDIVIDUAL AND FAMILY GRANT PROGRAM

In addition to the assistance sources listed above, New York State has set up an Individual and Family Grant program (IFG) to provide families with funds to make up for losses that are not covered by other sources of aid.

The IFG program, administered by the State Department of Labor, will provide as much as \$14,400 to pay for housing repairs, lost personal

property (clothing, appliances, furnishings, etc.), transportation repairs, medical/dental and funeral expense.

People can begin applying for IFGs by calling 1-800-462-9029. Persons with hearing or speech impairments may call the special TTY number, 1-800-462-7585.

**CAUTION
THIS FACTSHEET DOES NOT
DESCRIBE EVERY COMPENSATION
PROGRAM FOR WTC VICTIMS.**

**IF YOU HAVE QUESTIONS
ABOUT COMPENSATION OR HEALTH HAZARDS, OR ABOUT LAWS AND REGULATIONS
CONCERNING COMPENSATION OR OCCUPATIONAL SAFETY AND HEALTH, PLEASE
CONTACT:**

- **New York Committee for Occupational Safety and Health (NYCOSH):** 212-627-3900.
Fax: 212-627-9812. E-mail: nycosh@nycosh.org.

- **New York City Central Labor Council:**
1-800-506-0036

NYCOSH is a union shop represented by PACE Local 2-149
Paper, Allied-Industrial, Chemical and Energy Workers International Union, AFL-CIO.