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TO: Certifying Officers – Police and Firemen's Retirement System (PFRS), Public Employees' Retirement System (PERS), and State Police Retirement System (SPRS)

FROM: New Jersey Division of Pensions & Benefits (NJDPB)

SUBJECT: New Legislation Notice – P.L. 2019, c. 157

This letter serves as notification of a new law that permits certain members and retirees of the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and Tiers 1, 2, and 3 of the Public Employees' Retirement System (PERS), to receive an Accidental Disability Retirement allowance for a disability resulting from participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

P.L. 2019, c. 157 (Chapter 157), the Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act, permits an active member of the PFRS, the SPRS, and PERS Law Enforcement Officers (LEOs) or Emergency Medical Technicians (EMTs) to file for an Accidental Disability Retirement if the member is or is to become totally and permanently disabled due to participation in the rescue, recovery, or cleanup operations at the World Trade Center between September 11, 2001, and October 11, 2001, regardless of whether the member was enrolled in the PFRS, SPRS, or PERS at the time of participation or under orders or instruction by an employer to participate.

MEMBER RESPONSIBILITIES

Members who were present and worked or volunteered in the rescue, recovery, or cleanup operations at the World Trade Center must complete and return an *Eligibility Registration Form* within two years of the date of enactment of Chapter 157, or July 8, 2021. Filing this form allows the member the right to apply for an Accidental Disability Retirement in the future should he/she become totally and permanently disabled as a direct result of participation in the rescue, recovery, or cleanup operations at the World Trade Center. If an *Eligibility Registration Form* is not filed by July 8, 2021, the member will not be permitted to apply for an Accidental Disability Retirement resulting from participation in the rescue, recovery, or cleanup operations at the World Trade Center.

The *Eligibility Registration Form* is not an application for Accidental Disability Retirement. Members who have filed an *Eligibility Registration Form* and subsequently become totally and permanently disabled must complete an application for Accidental Disability Retirement and indicate their disability is due to the participation in the rescue, recovery, or cleanup operations at the World Trade Center.

QUALIFYING CONDITIONS

Members submitting an *Eligibility Registration Form* must certify that they were present and worked at a location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan, and:

- Worked/volunteered for at least eight hours at the World Trade Center between September 11, 2001, and October 11, 2001; or
- Worked/volunteered for a total of less than eight hours on September 11, 2001, and/or September 12, 2001, and sustained a documented physical injury that prevented them from continuing participation in the rescue, recovery, or cleanup operations.

The following medically documented qualifying conditions include:

- Diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity, trachea-bronchitis, or a combination of such conditions;
- Diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis such as hypersensitivity, granulomatous, or eosinophilic;
- Diseases of the gastroesophageal tract, including acute or chronic esophagitis and reflux disease caused by exposure or aggravated exposure;
- Diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;
- Diseases of the skin such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; and
- New onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

EMPLOYER RESPONSIBILITIES

Your attention to this distribution is required under N.J.A.C. 17:2-1.5, 17:4-1.5, and 17:5-1.4. The information contained in this Certifying Officer letter must be made available to all of your location's employees and confirmation of such provided to the NJDPB. Certifying Officers must complete the attached *Employer Confirmation of Distribution Form* for each of their assigned locations and submit the documents to the NJDPB via the Online Document Submission in the Employer Pensions and Benefits Information Connection (EPIC) no later than September 16, 2019.

ADDITIONAL INFORMATION

If you have questions regarding any of the information provided in this letter, contact the NJDPB's Office of Client Services at (609) 292-7524, or email the NJDPB at: pensions.nj@treas.nj.gov

Attachments