



PEF OSH FACTSHEET

Support and Benefits for Families Who Have Lost a Loved One to COVID-19

Please accept our deepest condolences for your loss. We know that nothing can ease the pain of losing a loved one. But we do hope you know that PEF is not just a union, it is a family. And like a family we all grieve when we lose one of our own.

We would like to make you aware of some of the assistance and benefits for you following your loss.

Workers Compensation

If your loved one was exposed to COVID-19 on the job, additional benefits may be available under the NYS Workers Compensation Law, Statutory Death and Survivor Benefits. Your loved one does not need to have previously filed a workers compensation claim for survivors to file a death benefit claim.

A death claim is independent of a workers compensation claim filed on exposure or illness. A Workers Compensation claim belongs to individual who filed it. The death claim belongs to those who would be a beneficiary, and does not depend on if the original claim was filed, or even if it was successful. It also does not have to be filed close in time to the exposure or illness.

Survivor benefits are awarded in this order: Spouse and dependent children (children under 18, under 23 and in school, or totally blind or disabled). Followed by totally blind or disabled dependent of any age, dependent brothers, sisters and grandchildren under 18. Followed by dependent parents.

Awards include 2/3 of the worker's wages, dependency payments and funeral expenses. If there are no dependents of any kind there is a \$50,000 to the parents, and if parents pre-deceased the worker, then it is paid to the estate.

Please consult with a Workers Compensation attorney to apply for death and survivor benefits. A list of attorneys who accept PEF cases is attached to this factsheet.

PEF Contractual Benefit

If you are awarded a Workers Compensation Death and Survivor Benefit, then you will also qualify for additional benefits through the PEF/NYS Contract Article 11. There are also benefits for the family of a deceased member who has an established death claim including health insurance coverage and an accidental death benefit payment and SUNY tuition for dependent children through the PEF NYS Contract.

Article 11 of the Contract provides for a \$50,000 accidental death benefit to be paid to an employee's spouse and children or estate when a workers' compensation death benefit is awarded. Children of members who receive the accidental death benefit, described above, are entitled to a payment by the State for tuition for each semester in which they enroll and attend any SUNY college or unit. Children attending an accredited private college or university within New York State are entitled to payment equal to the amount of SUNY tuition.

Health Insurance Coverage for Survivors

Enrolled dependents may be eligible to continue NYSHIP coverage if the enrollee predeceases them. Please see the attached factsheet for more information.

Grief and Trauma Support:

PEF is affiliated with the American Federation of Teachers (AFT). Grief counseling is available for AFT members who have lost immediate family, or for the immediate family of an AFT member who has died of COVID-19. For more information or to request grief counseling, please see the AFT website <https://traumacoverage.com/aft/grief-counseling> or call toll-free at 855-631-1421.

For More Information on Coronavirus and Workers Compensation:

NYS Public Employees Federation

www.pef.org/covid-19

NYS Workers Compensation Board

<http://www.wcb.ny.gov/content/main/TheBoard/COVID-19-FAQ.jsp>

AFT

<https://www.aft.org/coronavirus>

<https://www.aft.org/benefits/trauma>

Workers Compensation Attorneys:

www.alex dell.com

www.GreyandGrey.com

www.foalaw.com

Please contact the PEF Health and Safety Department with any question at HealthAndSafety@pef.org or 800-342-4306 Ext 254

Produced by the New York State Public Employees Federation

Wayne Spence
President

Kay Alison Wilkie
Secretary-Treasurer





**COVID and Worker's Compensation
ATTORNEY CONTACT INFORMATION**



These are the Workers Compensation attorneys who served on the panel for the COVID and Workers Compensation Training. We thank them for their support.



Alex Dell, Esq,
Law Firm of Alex Dell
Main Office:
450 New Karner Road
Albany, New York 12205
Toll free: 866-965-2667
www.alex dell.com

OFFICE LOCATIONS:

**ALBANY
PLATTSBURGH
and
SARASOTA, FL**

Please visit website for location information and counties served



Robert Grey, Esq.,
Grey & Grey, LLP
Main Office:
330 Main Street
Farmingdale, New York 11735
T: (516)249-1342
www.GreyandGrey.com

OFFICE LOCATIONS:

**Nassau
Manhattan
Queens
Suffolk
Westchester
Bronx**

Please visit website for location information and counties served



Vincent Rossillo, Esq.,
Fine, Olin & Anderman, LLP
Main Office:
39 Broadway, Suite 1910
New York, NY 10006
T: (865)392-8662
www.foalaw.com

OFFICE LOCATIONS:

Albany	Binghamton
Bronx	Hempstead
Kingston	Middletown
NYC	Newburgh
Rochester	Syracuse
Wappinger Falls	White Plains
New Jersey	Connecticut

Please visit website for location information and counties served



Dependent Survivor Coverage

Enrolled dependents may be eligible to continue NYSHIP coverage if the enrollee predeceases them. See the following for dependent survivor eligibility rules. To ensure that dependent survivors receive the benefits to which they are entitled, it is important to send a copy of the enrollee's death certificate to the Employee Benefits Division as soon as possible. Notification to a retirement system does not necessarily satisfy this requirement.

Note: Survivors of COBRA enrollees are not eligible for the extended benefits period (see the following) or dependent survivor coverage. Refer to the COBRA: Continuation of Coverage section starting on page 42 for information on coverage options.

Extended Benefits Period at No Cost

Eligible dependents covered at the time of the enrollee's death will continue to receive coverage without charge for five biweekly pay periods beyond the last payroll period for which the enrollee paid for NYSHIP coverage. This is referred to as the extended benefits period.

During the extended benefits period, enrolled Empire Plan dependents continue to use the health insurance benefit cards they already have under the enrollee's identification number. Enrolled dependents of HMO enrollees may receive a new card; contact your HMO for more information.

Eligibility for Dependent Survivor Coverage After the Extended Benefits Period Ends

After the extended benefits period ends, enrolled dependents may elect to continue NYSHIP coverage if they are eligible for dependent survivor coverage. Benefits will change to the same coverage provided to New York State retirees. Refer to The Empire Plan Certificate for New York State Retirees, Vestees, Dependent Survivors and Preferred List Enrollees for benefit information.



Eligible Dependents

The following dependents may be eligible for dependent survivor coverage as explained in this section:

- A spouse who has not remarried.
- A domestic partner who has not married or acquired a new domestic partner.
- Dependents who meet the eligibility requirements outlined in the Dependent Eligibility section.

Only dependents covered by the enrollee at the time of death or newborn children of the enrollee born after the enrollee's death may be eligible for dependent survivor coverage. Each dependent survivor is eligible to continue NYSHIP coverage in his or her own right. Eligible dependent survivors may be enrolled in Individual coverage, Family coverage or a combination thereof.

A covered dependent who is not eligible for dependent survivor coverage may be eligible to continue NYSHIP coverage under COBRA or may be eligible to convert to a direct-pay conversion contract.

NYSHIP coverage will end permanently for eligible dependent survivors if they:

- Do not make a timely election of dependent survivor coverage or
- Fail to make required payments.
- They may not reenroll.

Eligibility and Cost Vary

Dependent survivors may be required to pay any amount up to the full premium. Eligibility and cost of dependent survivor coverage are based on the following circumstances:

The employee was 10 years or less from retirement, and death was not the result of a workrelated illness or injury.

At the time of the enrollee's death, the enrollee was 10 years or less from retirement as a member of a retirement system administered by New York State or any of its political subdivisions and had one of the following:

- A total of 10 years of NYSHIP benefits-eligible service with New York State.
- A total of 10 years of NYSHIP benefits-eligible service that is a combination of service with New York State and any of its political subdivisions.

An enrollee in an optional retirement program such as Teachers Insurance and Annuity Association of America/College Retirement Equities Fund (TIAA/CREF) must be within 10 years of meeting the age requirement in a New York State-administered retirement system, based on the tier in effect when the employee was hired.

Enrolled dependent survivors will be responsible for 10 percent of the premium for Individual coverage and an additional 25 percent of the premium for dependent coverage. The State's dollar contribution for the non-prescription drug components of an HMO premium will not exceed its dollar contribution for the non-prescription drug components of The Empire Plan premium.



**New York State
Public Employees Federation**

pef.org | #unionstrong

The employee was more than 10 years from retirement, and death was not the result of a workrelated illness or injury.

At the time of the enrollee's death, the enrollee was more than 10 years from retirement as a member of a retirement system administered by New York State or any of its political subdivisions and had one of the following:

- A total of 10 years of NYSHIP benefits-eligible service with New York State.
- A total of 10 years of NYSHIP benefits-eligible service that is a combination of service with New York State and any of its political subdivisions.

An enrollee in an optional retirement program such as Teachers Insurance and Annuity Association of America/College Retirement Equities Fund (TIAA/CREF) must be within 10 years of meeting the age requirement in a New York State-administered retirement system, based on the tier in effect when the employee was hired.

Enrolled dependent survivors will be responsible for the full share of The Empire Plan or HMO premium.

The enrollee's death was the result of a work-related illness or injury.

The State will pay 100 percent of the cost of NYSHIP coverage, up to the full cost of The Empire Plan premium, for enrolled dependents as long as they remain eligible, regardless of the enrollee's age at the time of death or length of service. Dependent survivors who enroll in a NYSHIP HMO with a premium higher than The Empire Plan premium will be responsible for the difference in cost.

Dual Annuitant Sick Leave Credit option

If the enrollee chooses the Dual Annuitant Sick Leave Credit option at retirement, that credit will continue to be applied to the surviving dependents' premium.

Benefit Cards

After the extended benefits period ends, the primary dependent survivor becomes the enrollee. In most cases, this will be the spouse or domestic partner.

- Empire Plan enrollees: Dependent survivors will be mailed benefit information and a new Empire Plan benefit card with the survivor's and enrolled dependents' names.
- HMO enrollees: Check with the HMO regarding benefits and new cards.



Dependent Survivor Eligible for NYSHIP as a Result of Employment

A surviving dependent employed by or previously employed by New York State, a Participating Employer or a Participating Agency may be eligible to reinstate coverage as an enrollee in NYSHIP. Coverage as a current or former employee may be less expensive than coverage as a dependent survivor.

Survivors who were previously employed by New York State or a Participating Employer should write to the Employee Benefits Division with details of relevant prior employment to determine if they are eligible to reinstate coverage as enrollees. Survivors who were previously employed by a Participating Agency should write to the Participating Agency to ask about reenrollment.

Loss of Eligibility for Dependent Survivor Coverage

If a dependent loses eligibility for dependent survivor coverage, he or she may be eligible to continue coverage in NYSHIP under COBRA or to convert to a direct-pay contract.

Eligibility for dependent survivor coverage ends permanently if a:

- Spouse remarries
- Domestic partner acquires a new domestic partner or marries
- Dependent child no longer meets the eligibility requirements
- Dependent survivor fails to make the required payments.

If NYSHIP coverage as a dependent survivor is terminated for any reason, eligibility ends and the dependent is not eligible to reenroll. If a surviving spouse or domestic partner loses eligibility or dies, eligible dependent children may continue their coverage as dependent survivors until they no longer meet the eligibility requirements as dependents.

New York State Department of Civil Service Contact Information:

Death Certificate Submission:
NYS Department of Civil Service
Employee Benefits Division
Albany, NY 12239

For any questions please use the following email address:

EBDresponseemail@cs.ny.gov

Member Benefits:

If members have voluntary insurances through Member Benefits Program there are potential benefits for the members. The Group Term Life Insurance also has an option to purchase spousal and dependent coverage. A link to the MBP Insurance page is below.

<https://www.buymbp.com/insurance/sun-life-financial>



**New York State
Public Employees Federation**
pef.org | #unionstrong