

# How to Qualify for the COVID-19 Related Accidental Death Benefit

Chapter 89 of the Laws of 2020 awarded an Accidental Death Benefit to Eligible Beneficiaries of certain deceased Members or Retirees whose death was either caused by or was related to COVID-19.

Effective March 12, 2021, Chapter 89 was replaced by Chapter 78 of the Laws of 2021, which awards an Accidental Death Benefit to Eligible Beneficiaries of certain deceased **Members** only. This fact sheet describes the eligibility, filing, and medical documentation requirements which must be met in order to qualify for the COVID-19 Related Accidental Death Benefit.

## Eligible Beneficiaries

Eligible Beneficiaries are defined in NYC Administrative Code §13-149 and Retirement and Social Security Law §501 and §601 and are awarded in the following priority order:

### Tier 1 and 2

- Surviving spouse until death or remarriage;
  - ▶ **Note:** Under NYC Admin. Code §13-149(b)(2), the surviving spouse of a Sanitation Member is still entitled to the benefit if they remarry.
- Surviving children until they reach 18;
- Dependent parents; or
- Person designated as the beneficiary of the Ordinary Death Benefit.
  - ▶ **Note:** Under NYC Admin. Code §13-149(b)(2), a person designated as a beneficiary of a Sanitation Member for the Ordinary Death Benefit is **not** entitled to the benefit.

### Tier 3, 4 and 6

- Surviving spouse who has not renounced survivorship rights in a separation agreement until remarriage;
  - ▶ **Note:** Under RSSL §601, the surviving spouse of a Tier 4 or Tier 6 Sanitation Member is still entitled to the benefit if they remarry.
- Surviving children under age 25;
- Dependent parents;
- Any other person under 21 qualified as a dependent on the Federal income tax return in the year immediately preceding the death; or
- A person designated as a beneficiary for a lump sum death benefit.
  - ▶ **Note:** Under RSSL §501 and §601, a person designated as a beneficiary of a Modified Tier 3 22-Year Plan Member, or Modified Tier 3 22-Year Enhanced Disability Benefit

Plan Member, or Tier 4 or Tier 6 Sanitation Member for a lump sum death benefit is **not** entitled to the benefit.

## Eligibility Requirements

The deceased Member must have met all four criteria below:

1. Was directed to report for work to a location other than their home or residence on or after March 1, 2020;
2. Contracted COVID-19 within 45 days of their last day of work;
3. Died on or before December 31, 2024 (as extended by Chapter 783 of the Laws of 2022);
4. Death was caused by COVID-19 or COVID-19 contributed to the death of the Member.

## Filing and Medical Documentation Requirements

In order to claim the Accidental Death Benefit under Chapter 78, NYCERS must receive:

1. **Claimant Statement for COVID-19 Related Accidental Death Benefit Form #372** from the Eligible Beneficiary. NYCERS will mail Form #372 to the Eligible Beneficiary. There is no filing deadline.
2. **Agency Verification of COVID-19 Accidental Death Law Form #375** from the deceased's Agency to verify the last day the Member reported for work and that the Member was directed to report for work to a location other than their home or residence on or after March 1, 2020. NYCERS will provide Form #375 to the Member's Agency.
3. If the date of death is **more than 45 days** after the Member's last day worked,
  - A **positive laboratory test** showing that the Member contracted COVID-19 within 45 days of their last day of work; **or**
  - If no laboratory test is available, **Medical Certification of COVID-19 Diagnosis Form #373**, completed and signed by the Treating Physician. NYCERS will provide Form #373 to the Eligible Beneficiary as needed.
4. If the cause of death or contributing factor on the Member's death certificate is **not** related to COVID-19,
  - **Certification of COVID-19 Related Death Form #374**, completed and signed by the Treating Physician. NYCERS will provide Form #374 to Eligible Beneficiary as needed.

If the date of death is **within 45 days** of the Member's last day worked and the cause of death or contributing factor on their death certificate **is** related to COVID-19, NYCERS only requires Form #372 and #375. No other documentation is required.