

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



NYC EMPLOYEES'
RETIREMENT SYSTEM

All Tiers

May 2021

Chapter 89 of the Laws of 2020 awarded an Accidental Death Benefit to Eligible Beneficiaries of certain deceased Members/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**. This fact sheet describes the eligibility, filing, and documentation requirements which must be met in order to qualify for the COVID-19 Related Accidental Death Benefit.

Eligible Beneficiaries are as 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;
- Surviving children until they reach 18;
- Dependent parents; or
- Person designated as the beneficiary of the Ordinary Death Benefit.

Difference for Tier 1 and 2 Sanitation (NYC Admin. Code § 13-149(b)(2))

- Surviving spouse is still entitled to the benefit if they remarry.
- No entitlement for a person designated as a beneficiary for the Ordinary Death Benefit.

Tier 3, 4 and 6

- Surviving spouse who has not renounced survivorship rights in a separation agreement until remarriage;
- 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.

Difference for Modified Tier 3, 22-Year Plan (RSSL § 501)

- No entitlement for a person designated as a beneficiary for a lump sum death benefit.

Difference for Tier 4 and 6 Sanitation (RSSL § 601)

- Surviving spouse is still entitled to the benefit if they remarry.
- No entitlement for a person designated as a beneficiary for a lump sum death benefit.

ELIGIBILITY REQUIREMENTS

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, 2022;
4. Death was caused by COVID-19 or COVID-19 contributed to the death of the Member.



FILING REQUIREMENTS

The Eligible Beneficiary must submit **Form #372 – Claimant Statement: COVID-19 Related Accidental Death Benefit** – in order to claim the Accidental Death Benefit under Chapter 78. **NYCERS will mail Form #372 to the Eligible Beneficiary.** There is no filing deadline.

The deceased’s Agency must verify that the Member was directed to report for work to a location other than their home or residence on or after March 1, 2020, and must verify the last day the Member reported for work. **NYCERS will provide Form #375 – Agency Verification to the Member’s Agency.**

MEDICAL DOCUMENTATION REQUIREMENTS

Date of Death	Cause of Death or Contributing Factor on Death Certificate	Documentation Required
Within 45 days of last day worked	COVID-19	NO OTHER DOCUMENTATION REQUIRED
More than 45 days after last day worked	COVID-19	<p>A positive laboratory test showing that Member contracted COVID-19 within 45 days of their last day of work;</p> <p>OR</p> <p>If no laboratory test is available, Form #373 – Medical Certification of COVID-19 Diagnosis, completed and signed by Treating Physician.</p> <p>NYCERS will provide Form #373 to Eligible Beneficiary as needed.</p>
Within 45 days of last day worked	Other than COVID-19	<p>Form #374 – Certification of COVID-19 Related Death, to be completed and signed by Treating Physician.</p> <p>NYCERS will provide Form #374 to Eligible Beneficiary as needed.</p>
More than 45 days after last day worked	Other than COVID-19	<p>Form #374 – Certification of COVID-19 Related Death, to be completed and signed by Treating Physician</p> <p>AND</p> <p>A positive laboratory test showing that Member contracted COVID-19 within 45 days of their last day of work;</p> <p>OR</p> <p>If no laboratory test is available, Form #373 – Medical Certification of COVID-19 Diagnosis, completed and signed by Treating Physician.</p> <p>NYCERS will provide Forms #373 and #374 to Eligible Beneficiary as needed.</p>

