

## **New York State Senate Standing Committee on Civil Service and Pensions**

### **Transcript of the February 15, 2018 Round Table Discussion following up on the November 15, 2017 Public Hearing discussing the denial of accidental disability applications from those who participated in the World Trade Center rescue, recovery and clean up activities**

**The Round Table was held at 250 Broadway, New York, New York**

**Senator Golden:** Good morning everyone and welcome to this Roundtable. We were a little delayed because we were still waiting on some people, but they're going to, we will start without them, I think it's important that we will move this along as best we can and get as much information as we can and to do what's right for our 9/11 Responders and their families. I want to start by saying good morning, and before we even go to the particulars and opening statements, my colleagues here in government, I would just like to take a moment of silence for those children and those people that were killed in Florida yesterday. Thank you. Many of us in this room remember September 11<sup>th</sup>, we were part of it, many of us around this table live September 11<sup>th</sup> every day. In the wake of this national tragedy, we worked together to provide programs that benefit our first responders. While the intentions behind this program and benefits, are good, the way the program benefits operated needed to be streamlined. Nothing is more frustrating when a well deserving public servant is denied benefits which they are entitled to. This Roundtable is a public, is a follow up to the meeting on November 15<sup>th</sup>, and our goal of this meeting is to discuss specific issues faced by the 9/11 Responders. I would like to thank everyone for coming out, it's a hectic time between what's going on around our nation and of course with this crazy flu where people sick and family members are sick, and everybody here, I really appreciate it. The issue we will be discussing today is life and death. It's about the life and death of these 9/11 responders, their families and how we take care of them. We are situated with benefits delayed that in effect become benefits denied. We are unnecessarily and certain areas the bureaucracy needs to be streamlined. And I got to tell you, I am very very impressed with the last meeting we had. I would like to thank all the participants in moving this process forward. You guys did an outstanding job. I would like to thank you before we even open up on this meeting, for the November 15<sup>th</sup> meeting, and I think the responders here today when they hear some of the issues and some of the responses that has been undertaken by the different Boards, I think you will appreciate the work that they have done and the work that you have done by bringing this group together and defining what we need to get done for our 9/11 Responders. There are problems that we need to find solutions, and by working together we hope that we can provide the necessary reforms needed to achieve the meaningful results for those 9/11 Responders. I'd like to start by announcing my colleagues here, I have Senator Savino she is on her way, I believe she will be here shortly, we have Senator Felder, [pause] Simcha Felder [pause] a good colleague and government and also has that bill that to put a cop in every school I think we should actually start to look at that after what we've seen yesterday in Florida and get something like that done whether it be a retired police officer or police officer in uniform or somebody with a gun given the ability to protect our children. Senator Addabbo, from Queens, Senator Benjamin, I want to thank you all for coming as well, would anybody like

to say anything? Gentlemen, any opening statements? Ok, I think we will start right out then, we should go onto our discussion here this morning and how do we begin to from the retirement system regarding actions that were taken place in the Public Hearing in November, how do we move forward? The nicest again did an outstanding job, thank them for coming to our last meeting and are here today and they have done some outstanding work between then and now. I would like to bring up the legislation about the Medical Boards that you are carrying and the legislation.

**Melanie Whinnery (NYCERS):** Good morning. Good morning Senator Golden and Senators Felder, Benjamin and Addabbo. We appreciate the opportunity to come and update you on the progress that we have made since the November 15<sup>th</sup> meeting. Since the November 15<sup>th</sup> meeting, we have met with a variety of stakeholders including Manhattan Borough President Gale Brewer, [inaudible], Victims Compensation Fund, [inaudible] the FealGood Foundation, Dr. Michael Crane, [inaudible] and Mt. Sinai Hospital and the WTC Clinical Center for Excellence, FDNY Commissioner Nigro and his executive team, and on Tuesday of this week, we met with Oren Barzilay, President of the Uniformed EMTs, Paramedics and Fire Inspectors, [inaudible] of DC37, Jack Shaffer, [inaudible]. The Victims Compensation Fund came in and met with our Board of Trustees and NYCERS staff on February 11<sup>th</sup> and they gave us an overview of the Victims Compensation Fund benefits as well as the criteria and the process so that we would have a greater understanding about what goes on [inaudible]. This provided to us a great deal of clarification on the benefits and the process. We have since had follow-up conversations with them on outstanding questions and to affirm our commitment to them to provide any information needed by the members for the processing of benefits for the Victims Compensation Fund and I will have additional information about that later in my update. Under the category of notices of participation, as of December we have reported there were 977 outstanding notices of participation with agencies. Representatives from the Mayor's office contacted the mayoral agencies and we contacted the non-mayoral agencies for a follow up on the outstanding notices and since that time 444 additional verifications, um notices, have been received back by us. We have made great progress in that area. At our December Board meeting the board of trustees passed a resolution creating 2 additional World Trade Center review committees [inaudible] to bring the total to 3 so that we can enable more members to present their documentation to the board to be considered for verification participation. We have included 1 member of the original committee on each of the 3 committees to ensure that there is consistency among the committees for how they review the documentation. Under policy changes, NYCERS changed its policy to permit members to simultaneously file for several types of retirement benefits to enable them to start receiving benefits as soon as their first application is approved without hindering any other pending applications. This allows a member to receive benefits in health insurance while additional benefits are still being considered and processed. If the member is later found qualified for a different benefit, the member may choose to retire under the new benefit. The new benefit will be retroactive to the first retirement date or to the earliest date that is permitted by law. In response to clarification of the victims compensation fund process, in the fact that psychiatric conditions are not eligible for VCF benefits, in situations where a member files a WTC application for both a qualifying psychiatric condition and a physical condition, if the psychiatric condition is approved first,

NYCERS will then change its policy to continue to evaluate the qualifying physical condition and render a decision on the physical condition as well. Accordingly, if the applicant is subsequently approved for the WTC qualifying physical condition, the member would be eligible to be considered for VCF benefits. Additionally if the member casts a wage on the World Trade Center qualifying physical condition they were found the same [inaudible] for, it eases the process for the applicants' survivors to apply for their benefits. We also changed our policy to allow employers to submit additional documentation that provides clarification of an applicant's duties that will be reviewed by the medical board in addition to the Department of citywide administrative services general statement of duties and responsibilities. In the case of EMTs, this additional documentation will provide a more detailed description of the physical and state certification requirements that will assist the medical board in determining whether the applicant is permanently disabled from performing the duties of their position. We also changed our policy to provide the applicant with a copy of the independent medical examiner report after it has been reviewed by the medical board for [completeness] instead of having to amend the entire process. In the area of process changes, we have formed an internal work group to review policies and procedures in response to the information we received at the hearing as well as at the recommendation of [inaudible]. We're working with the FDNY [inaudible] to ensure that we have up-to-date job requirements for the EMTs as I mentioned previously. We have members who appear before the WTC review committee are found to have other customer service needs, for example, sometimes they disclose that they feel that they are disabled and want to file a disability application. We immediately take them to our client services and have a consultation with them on the spot to save them from coming back to NYCERS for having to process the paperwork at a different time. We're also reviewing our medical-related brochures and fact sheets to ensure that we are providing the most up-to-date information and to add additional clarification where needed. During this review we're also considering where to publish our board of trustees request that members and pensioners be informed that the WTC review committee will consider video testimony describing WTC rescue, recovery and cleanup activities where the member or pensioner is terminally ill to give them their opportunity to provide us with information. And where members are living out of state, we are now Skyping with them to get their testimony so that they don't have to travel up here. We provided FDNY and the Local 2507 of DC37 with direct contacts for their cases regarding disability, World Trade Center, and [DEP] cases to allow for reader communication and collaboration between our agencies. In the area of the medical board, I met with the chair of the medical board several times to discuss suggestions and concerns that we received during our meetings. The legal division of NYCERS has been working with the city law department to create a list of common issues [inaudible] and with this information we are working with the chair of the board to improve our medical reports. We also had a conference with the medical board last Friday where we discussed the concerns with the [inaudible] medical board and the chair and the medical board have affirmed their commitment to provide fair and consistent assessments of all member disability applications in a professional manner and to provide reports that reflect their efforts. In the area of staffing, we are requesting 2 additional staff in our Fiscal Year 19 budget request to more actively manage and expedite first responder World Trade Center cases. This is particularly important as there are over 10,000 notices of participation filed and we do anticipate that as time passes more of these first responders will

become ill from disabled conditions and we want to [inaudible] our staff to be able to respond to these timely, passionately and efficiently. We are also requesting additional funds in the budget to accommodate additional [independent] medical examiners. This is the legislation that Senator Golden mentioned. And also to hire additional medical consultants where certain conditions warrant them. We're also renovating the medical board's space to create a separate space for interviews so that they are not being held inside the examination room so it's more comfortable, conversational space for the interviews and so that there will be a completely separate space and updating the examination room to make it more comfortable for the members. Beginning with applications filed this calendar year, we are changing our system and process for collecting statistics so that overtime we will be able to report in greater detail on the members, the numbers of applications filed for, etc. In the area of technology we received requests that we improve our way of exchanging information with the members. It is highly paper-based right now and through the mail. And while the majority of the improvements [inaudible] will happen with our legacy replacement project in a couple of years, we are looking to make some interim improvements such as allowing members to upload documents, etc. We feel we will have some changes there in about 6 months, which will be far before our legacy replacement project. We worked with VCF to create a secure data transfer to pass information back and forth so this will lessen the burden on the members to do that. We also worked with VCF to provide additional clarification on the documents that we submit to them so that they can understand and interpret them better. And we're also working the VCF review their benefit models that have as they relate to our benefits. In closing, I would like to restate that the entire board of trustees of NYCERS, our staff, and our medical board are committed to continuing to review and suggestions and make improvements that will help first responders complete the process.

**Senator Golden:** Thank you very much, I am going to go around the table, I would like to start with the Boards and then those that are representing those Boards and of course all of the different participants at the table. Boards:

**Kevin Holloran:** We do not have any recent updates, but we really appreciate the invite. [inaudible]

**Senator Golden:** and you are? Say it loud, this is being taped, so you got to be a little bit louder.

**Kevin Holloran:** New York City Police Pension Fund.

**Colleen Gardener:** I am with the New York State and Local Retirement System. Thank you Chairman Golden.

**Senator Golden:** No Thank you for being here and the outstanding job you did at the last meeting, I want to thank you.

**Colleen Gardner:** We heard you loud and clear. We share many of the concerns that you raised at the last hearing and we really took the concerns to heart. Also, I want to recognize that we

met with Comptroller DiNapoli and he has passed us and also in response to conditions that were raised at the hearing, some of the things that we have been looking at is one we step back and look at all the cases that are still under review and where we could we expedite the World Trade Center cases, and also I want to say that any time that both anyone has a concern towards a specific case our door is always open. People can contact us to do some follow up. Our process is a little bit different than New York City's, we already have the file without prejudice, we try to get folks on benefits as soon as possible. Someone is approved for a benefit, we pay them retroactively to get better benefits. We are already doing that, there are already cases where someone is off the payroll, we have a little bit of a different system with the medical board, when we are reviewing a case, an application that comes in, we have several, we have many medical examiners who we contract with. We ask people to go out and meet with those, be with those IMEs and we get the report back and then when we review an application we have our own internal medical board that reviews those cases. We also have concerns with the length and time that it takes to get those reports back from IMEs. We are tightening up our contract process with IMEs. They're supposed to respond within a specific length of time to us and we don't even get the reports back in time so we are working to follow up and having a better process related to the IMEs, of course we have the same issue with staffing we have the same amount of staff handling all our disability cases as we did prior to 9/11. Since 9/11, we have those additional cases as well as additional presumptions. We do have a request incredible legislature for additional appropriation which would help us deal with defending these cases. We are also looking at hiring additional hearing officers so we can speed up that process as well. We are making progress on uploading the medical information, of course there's a lot of privacy issues around that and part of the problem is that medical files tend to be really big. I pulled one x-ray out of a medical file and it's too big for us to upload and handle so we're working, we're in the process of finding a better procedure, a better software to do it and make sure that it's secure for our members. The other big project were working on, we have a huge IT project in replacing our system, is in the Fall, Member Self Service will be coming out. It will be a lot easier to apply, upload information, in their online account, people will also be able to see if we get a report from a medical examiner, it will go right to the Member's file and they will be able to see that it's there. As well, we are working with our business partners and attorneys. We have a secure process of allowing them access to the member's information as well. So I'm pretty excited about that, and we know there's more we need to do and we would like to work in partnership with you to identify problems and solve them together.

**Senator Golden:** Thank you very much. And next Board: PD here? Go ahead.

**LeRoy McGinnis:** UFA Trustee on the Fire Pension Board. I did not attend the testimony last time but I did review it with our Director, Steve Cassidy, [pause] we don't have too much new to bring to this although we have brought in our outside would-be doctors recently to have a very frank discussion on some of the elements that are affecting our members. And time frames from diagnosis to treatment to the application of disability. Sometimes it seems that a member might actually put in his paperwork in too quickly and he hasn't fully gone through

treatment and rehab etc. So, we are working on that. We are very happy with what this board is trying to do and we appreciate it. Thanks

**Senator Golden:** Thank you very much. Any other Boards? Ok, why don't we start with NYSYS? Your name and your title.

**Ilyse Sisolak:** I'm with General Counsel with New York City Employees Retirement System.

**Senator Golden:** Thank you, Mr. Unger. Loudly please we're on tape. Loudly please.

**Robert Unger:** Counsel to the EMS unions and [inaudible]

**Senator Golden:** Thank you.

**Nicole Giambarrese:** I am with general counsel to the NYC Police Pension Fund.

**Senator Golden:** Thank you.

**Bob Sens-Castle:** Deputy Director of the NYC Pension Fund

**Kevin Holloran:** Executive Director of the Police Pension Fund, New York City

**Senator Golden:** Thank you.

**Colleen Gardner:** Executive Deputy Comptroller

**Senator Golden:** Thank you.

**LeRoy McGinnis:** Fire Department Trustee

**Oren Barzilay:** President of Local 2507

**Chet Lukaszewski:** Disability Pension Attorney

**Dr. Michael Crane:** [inaudible]

**Matt McCauley:** [inaudible]

**Sean Reardon:** Disability Attorney

**John Feale:** 9/11 Responder, FealGood Foundation

**Ben Chavet:** 9/11 Health Watch

**Elias Husamudeen:** President of Correctional Officers Benefit Association

**Bob Bishop:** Counsel to Correction Officer Union also Counsel to Local 831 Uniformed Sanitationmen's Association

**Senator Golden:** Thank you very much. I'm going to ask a question obviously I am going to get a number of different answers to it, but if we streamline this regulations in regarding the filing of forms and documents to the retirement system to one standard rule that would provide a form or document be deemed filed on the post marked date as long as the form or the document is received by the retirement system, is that a good idea?

**Colleen Gardner:** We're already doing it

**Senator Golden:** Anybody not doing that? NYCERS? And do you think that's a good idea or bad idea?

**Melanie Whinnery:** We can administer that. It does create a little bit more of an administrative burden on our part because of the fact that then we have to make sure that we keep all the envelopes as well because right now we open up an envelope, we date stamp it and then we date stamp the actual piece of paper, is the date we actually receive and that is the date we go by.

**Senator Golden:** Ok.

**Melanie Whinnery:** We can administer it.

**Senator Golden:** Good, another thing this is an open discussion, so as I am asking questions, my colleagues here in government can join in of course, and so can you, but if we can do it in a congenial matter and raise your hand or speak and say whoever you are and you would like to ask a question. But we will do it in an orderly form. [pause] Any other responses to that question? Yes.

**Nicole Giambarrese:** NYC Police Pension Fund. When you say streamline it and have it in regulation are you speaking about like a statute modified in the RSSL that would apply to filing of all documents or just disability related forms?

**Senator Golden:** Disability related forms

**Nicole Giambarrese:** I think that might pose an administrative question. At least for us at the Police Pension Fund. I would ask for you to consider if you think that you would make it a disability related form you would make it all retirement forms there's currently case law that states that I think that filing deemed to be received by the pension system not when it's mailed, postmarked, dated or notarized. So, that would create a new standard that we would have to administer in two separate matters. We're not opposed to it at the Police Pension Fund we would just ask that you would apply it to all documents this way it would trump that case law.

**Senator Golden:** One of the reasons we bring this up is because we come across situations where a person submits and dies a day later. And the paper is not accepted. That is something that we believe has to be corrected. We don't want to keep on doing piece mailing going in for an individual that did not manage to get his or her paperwork in. So that's the reason we're trying to do this, so do you see a problem with that?

**Nicole Giambarrese:** That's actually the case that I was referencing, a NYS case and a person applied for an ordinary death benefit.

**Senator Golden:** Correct

**Nicole Giambarrese:** And they mailed it and it was postmarked before they died and it was received by the system after they died, it was not a 9/11 case, it was an ordinary death benefit case some time ago and that actually is still controlling case law. We have seen it with tier changes, recently as you're aware the tier 3 enhanced disability benefits that we have issues where our Military members are stationed abroad and they can't get to a mailbox. We hold it under USERRA and those types of things. I think there are other first responders and other situations where expanding it might actually help them for service purchases, buy backs, tiering statements in a way that truly honors all first responders in all situations.

**Senator Golden:** Some of the questions that are going to come, I'm sure during the course of this is how one group works and another group doesn't work as well as the number one group and how people are being denied and we're not. When you come down to it if the cancer is already deemed cancer from 9/11, that is part of legislation, that individual should get that disability, so we have these different issues going on which we want to try to clarify, if we can and I like the testimony we got here today and everybody here seems to be acting in the appropriate way and trying to get and addressing these concerns, but we need when, we need timeline, we need when do you think, you've stated that technology will be up and running in the fall so obviously you will be on top of your game probably by the end of this year. [pause] We need to get some of those timelines to see doctors, the specialist that we're going to be able to bring in if the person has a lung cancer, you know is he going to be seen by the cancer doctor, is he going to be able to see the oncologist, and make sure there's an oncologist present when this testing is going down. Those are the type of issues as to when we can get those legislative those into law or into SOP for each of these boards. Any comment on that?

**Melanie Whinnery:** Updating Administrative code to enable us to hire more doctors or something we're absolutely behind you on and as soon as we can get past that we can hire more doctors and we can start the process to do that.

**Senator Golden:** So it's the Legislative body that has to open that process up? How many doctors are you short?



**Woman in audience:** We're legislatively restricted to 3 for each appointing authority or up to 5 Boards. We've asked the new legislation that there be additional 3 Boards so a total of 9 new doctors.

**Senator Golden:** 9 new doctors

**Women in audience:** we are restricted by the current administrative code so in order to hire more doctors .....(inaudible)

**Senator Golden:** We already have that bill and we're moving that bill, so as soon as that bill gets moved, we can do that, thank you. It's going to take us another 30-60 days before that bill to get signed into law and gives you the opportunity probably another 60 days after that, so you won't have that legislation probably for another 5 months or so that it will be signed by the Governor giving you the okay to do that.

**Melanie Whinnery:** In the meantime we are working with the Chair of the Medical Board, this is Melanie Whinnery, to hire additional consulting positions so members don't have to wait to hire directly the consulting positions outside of the Board. We don't have a specialty on the Board at the current time that we can send them have send more consulting positions that we're working so we do think that that will help in the interim. I think we recently engaged 2 more doctors.

**Ilyse Sisolak:** We recently obtained 2 more doctors on the staff.

**Melanie Whinnery:** And the medical division is very much aware, trying to match up the member with the ailments, trying to make sure at least one person on the panel has a specialty or sending them out to a consultant, so it is on their radar screen to look for that where we can right now. Obviously more doctors will allow us to get more specialties in house which helps results.

**Senator Golden:** How many more um applicants have you seen since past November? Do you have idea. Is it an increased number, same pace as its been traveling at?

**Melanie Whinnery:** We don't have that statistic.

**Senator Golden:** And the meeting we had in November, are we doing anything to help expedite some of those processes that needed to, in your testimony you said yes, you addressed many of them, but you didn't address them with timelines. I'm just wondering if since November have we moved on any of those issues that you brought up that your looking to do to expedite this process?

**Melanie Whinnery:** Every case that was mentioned in November we went back and looked at every single case, expedited every case when we could, and we are currently looking at other cases to make sure that they are expedited and request for additional staff certainly helped in

that arena, because similar to what Colleen from NYLRS said “we have the same staff that we had as well since before 9/11,” at the present time we are doing our best to expedite the push responder pieces with request of additional staff will enable us to do that in a much better orderly fashion.

**Senator Golden:** Yes John?

**John Feale:** I assume we’re talking about 9/11 Responder and not just in general, so when you asked are these your cases coming forward? You’re going to get a lull and you’re also going to see peaks. You haven’t seen the next wave of cancers in the asbestosis cancers which are coming after 20 years. The manifest in 20 years on average, so, you might see a lull in 2018 where you see a spike in other cancers this year, but you’re going to maybe get a lull in a couple of months, then you will see a spike again. There’s always going to be an onslaught of cases coming forward.

**Senator Golden:** The reason I asked that question, usually when you have a hearing and it gets out there usually more cases come forward and that’s the reason for the question. I guess I wanted to see if more cases because people have been sitting back not applying for it and their paperwork has been languishing there for years and they have been denied once, twice maybe three times, do we see more cases coming forward? That’s the reason for that question.

**Melanie Whinnery:** We have not noticed, this is NYCERS, an uptick in the number of applications filed. We have not noticed that.

**Matt McCauley:** I just have a quick question about the physicians and their roles. Is it consulting or [inaudible] when it comes to a position specializing in [inaudible]. Is that something that [inaudible] or as a consultant?

**Melanie Whinnery:** I don’t think any decision has been made as being what specific specialties would be added to the board. We do know it would be additional medical board positions we are looking to increase the specialties to mirror those that were seen from the first responder cases. As far as specifics as to which specialties would be added to the ward, I can’t answer that at this time, but we are definitely looking to expand the number of specialties you know, on the board which is why we’re seeking additional board positions.

**Senator Golden:** Any other questions? I think your comments today from all our boards have been exceptional and we thank you obviously for the work that you have done since our last meeting. I want to move over to the Independent Medical Examiners Report be available to the applicant before the final determination is made on the application. We think that’s a good idea and can we get that done.

**Melanie Whinnery:** This is Melanie Whinnery from NYCERS, in my update I did disclose that we have agreed to provide as soon as the medical board has a chance to review it and not wait till the end of the process.

**Senator Golden:** And the other Board?

**John Holloran:** we have always done that.

**Senator Golden:** and everything is good? Ok...[pause] John

**John Feale:** I would like to make a general statement.

**Senator Golden:** Outstanding isn't she?

**John Feale:** Outstanding. Me give a compliment, you know..(laughter) I call it like it is I don't sugar coat it, I think we got off to a rough start, we learned to get to know each other and you guys have stuck to your word, you know, and I want to thank you for that. But what I want to ask you is we went back to it, can we put time frames on certain things? And when I leave here today, everybody goes back to their jobs, but I answer to the 9/11 community whether they're uniform or not uniform, whether they're represented by anybody here or not. 9/11 Responders have one thing in market in mind, when is it my turn? When am I going to get 9/11 cancers? When am I going to die? Giving time frames for these men and women helps them navigate their next three years. So you know what you guys said was great, it really was, [inaudible] I would also ask if the Senator and NYSYS and whoever else would like to join, a joint letter went out saying how productive this was and that changes are being made telling also calm the fear in the 9/11 community and those who have been waiting will have animosity towards NYSYS. I'm here to help you guys, and be your fullback, I can calm the fear of the 9/11 community. By that joint letter with the Senator and stuff like that.

**Senator Golden:** Senator Benjamin, no go ahead. I'm sorry Melanie, please

**Melanie Whinnery:** I would like to find out that all of the policy and process changes and the rule changes that our board of trustees have made those have already happened. So there's no timeframes, they're already implemented, every policy change I mentioned, every process change I mentioned, and the Board of Trustees have made several new rule changes. Those all happened already. So they're in place and are happening now. There's a few things that including the medical board reports, we believe that in about 3 months that will happen, technology changes to improve the way in which we communicate with members, short term measures, 6 months for that. To possibly either provide a secure mailbox for members uploading documents. As Colleen said there are a lot of security behind that that we have to insure because of HIPA and other regulations, the fact that we are dealing with medical documentations and that is not as quick as we would like, so we believe we can accomplish that within 6 months. The medical board doctors that is contingent on the law passing but through our commitment that as soon as the administrative code is updated that we are immediately start looking to expand the number of specialties on the board and we will be seeking some advice on that as far as what specialties would be helpful, so we will reach out on that. And we would immediately starting working on it, so that is a little difficult to put a timeframe to but I

believe just about everything that we stated and committed to many of them are already put into effect.

**John Feale:** Ok so if we say we didn't write a joint letter saying how great they was would you be willing to put that on your website for the 9/11 community to read? Again, I can go home to my 4 Facebook pages and my website and my mass emails, and reach 60,000-70,000 people by the end of today. But you know, if you guys were to put out something on your website where we can direct you guys. Senator Golden and everybody's saying that this is most productive meeting yet, to date, and help is on the way for those of you waiting for years. This is going to go a long way and is going to help the fragile 9/11 community. That's all I said.

**Ben Chavet:** [inaudible] I think John has a really good idea here. I used to work in Albany a long time ago, the hearings that Golden had are really great work, and you clearly are responding to the problems. It might be a good idea for you that you have some statement. Lay it all out, what you've done, what you're going to do, so that it's not just John going to deal with these people, alright, that you called even that the Unions that are here, you can be tangible, since you are clearly making real progress. We are all pretty impressed with that. [pause] Obviously there may be more things that come up, but I think if you were to the trustees were to make a statement at some point it would just, John is trying to help you.

**Melanie Whinnery:** I agree and [pause] we will take that back and discuss it with the trustees and see what we can put together.

**Matthew McCauley:** I'm going to call you out – if you look on the NYPD police pension website the 9/11 the World Trade Center, in there is a tremendous amount of information, for retirees, they go as far as identifying everybody's tax number [inaudible]...and pension fund. It's very user friendly, it's got a lot of information, lot of updates, brainwork is there [inaudible]

**Ilyse Sisolak:** While were discussing this I will say that every board meeting Melanie has given an update to be [pause] entered into the public session and you can stream it so to the extent where people want to hear this while we're working on creating all the other avenues and figuring out on how to do that there is the board meetings they can listen to and hear Melanie speak for herself [inaudible]

**John Feale:** Not everybody's got 50 minutes to an hour to listen to something tangible to read that you can see a punch list and say really? Oh my God wow, I got to tell Bob, I've got to tell Suzie, I have to email Lisa, that's how it rolls in the 9/11 community.

**Melanie Whinnery:** I'm not in disagreement, I'm not saying that while we're in the interim there other

**Man in audience:** however it's not that easy, to find the board of your [inaudible]....one question that I have and can ask is you know you gave good progress about the Mayor's representative and you're going to the agencies trying to get them to respond and it sounded

like you got like 50% or some number close to that. I just want to know whether my suggestion is would it help you to go back to the Mayor's office to get one good meeting with Mayor or 50% you would get a lot more out of some of the agencies it just doesn't make sense. These all in the Mayor's control, most of them, and the Mayor has a lot of influence with the ones that are, you know, independent boards. He appoints the majority on trying to get them because that's really one thing that really has been speeding a lot of these cases up. Again, you made great progress in that, but if were happy to go ask the Mayor, I'm sure the Senators would be happy to talk to the Mayor, there up in Albany a lot to help [inaudible], you know that.

**Melanie Whinnery:** The Mayor's office is actively working the lists so I do believe that we'll see progress and that they are coming in at a pretty good pace. We will absolutely, we know where their coming in from, we will absolutely work with the Mayor's office and follow up on any agencies that are outstanding.

**John Feale:** So here is the other thing, I am looking at the big picture and I'm looking down the road, [pause] whatever you post on your website if you guys get the approval whatever joint letter from all the Unions, and the Senator and NYCERS and all the advocates, it's only going to help us when we go to Albany to introduce the legislation and that piece of paper will act as a tool in our toolbox when we go and talk to a Senator up in Upstate NY who might not be so familiar with this are on board. So this will only help us.

**Chet Lukaszewski:** So can I ask a question? This is kind of pivoting a little bit, one of the great policy changes that you noted was that an individual can now apply for several types of retirement benefits meaning, I just want to clarify, they are now eligible to if they are otherwise eligible for service retirement about and that service retirement if then are subsequently approved for their disability retirement the original filing date you said

**Melanie Whinnery:** no or the earliest date allowed by law.

**Chet Lukaszewski:** That goes to my questions, are we saying, so let's say that that individual has filed for disability retirement been denied on once, twice maybe three times, are we now saying that if they are approved on the same illness or injury that the original filing date will apply?

**Melanie Whinnery:** No, that's a little different.

**Ilyse Sisolak:** It also depends are we talking reclassification or we talking, if someone is filing for service retirement and filing for disability, we're not talking reclassification so then you're going to apply the laws of the WTC Bill as if they were filing fresh, right? So it's 30 days from filing but those rules are applied. If you're talking reclassification, that law hasn't changed, so if someone files for reclass, they're going to have to go from the date the board of trustees vote, right now that is how the law is written.

**Chet Lukaszewski:** So it will always be the date of filing the newest application? Or reclassification or disability?

**Ilyse Sisolak:** Yes, yes.

**Senator Golden:** You have a good argument here. That's a good argument. Especially if you had to get out with the same disability. Same disability and it's 4 years later. That is an interesting question to ponder. [pause] This is the second day of Lent for the Christians, Melanie we are going to move you towards sainthood very shortly for the great work you have been able to do with that individual right there. Thank you. Senator Benjamin.

**Senator Benjamin:** Sure, first of all I want to thank you for taking this issue up, Mr. Chair, as a ranking member I appreciate you taking this issue up. I also as a ranking member are responsible for questions from some of my members and I know some of you know Senator Todd Kaminsky very well, he unfortunately couldn't be here today, but he had a number of questions he wanted me to ask on his behalf. So I will do them now. Primarily towards our state system, so during the last hearing you reported that there was one to one denial ratio. Has that changed at all?

**Colleen Gardner:** Well I know we've looked at 8 or 9 more cases were resolved. We have about 96 cases that are still pending but I think its

**Senator Benjamin:** It's about, it's about...nothing's not changed, not really changed.

**Colleen Gardner:** Not really.

**Senator Benjamin:** Ok what are your processing times for appeals? How long does it take to go through them?

**Colleen Gardner:** It depends on the case. If we have [pause], if it ranges all across the board. Trying to, it depends on the case.

**Senator Benjamin:** Give me an example.

**Colleen Gardner:** Some cases take less than a year, some cases, we've had cases as old as 3-4 years.

**John Feale:** Is that 9/11 or general?

**Senator Benjamin:** This is about 9/11.

**Colleen Gardner:** 9/11 cases, we have across the board.

**Chet Lukaszewski:** Senator respectfully, it's a two part question, with the state system there is an administrative application which in my experience, I am just a free agent, I represent Civil Servants and each of these systems and I appreciate being today with day to day input. The first part of the application, that's one question, how long, what's the average I would ask? Then the second part the follow up I've had discussions directly with the state retirement system since the first meeting, I think that's the part that really needs to be looked at. Because if you're applying with your initial application, and say the average is a year, year and a half, you can handle that. But they have an internal administrative appeal process, and that becomes the problem. That's where the average becomes the 4-5 year range. So some of the suggestions that have been made at the first meeting was hiring additional IME doctors, to speed up the initial process, but for the second part their internal appealing appeal process is what needs to be streamlined. Because you can't wait 6 months from the applicant, the applicant's doctor, to the systems doctor and the applicant's second doctor and the systems second doctor, if they all could schedule at once, at one busts you could adjourn it. At least you could wrap up the appeal process which now I have a recent email from a 9/11 cancer case that's going on 5 years, where I was told that's an average and I was told under the case law by senior counsel that that's fair, and I said I don't think you would think that was fair if it was your case. So some of the suggestions to streamline that process, I believe they mentioned additional hearing officers, that's great, but even on the first level you had more IMEs it wouldn't be so hard to schedule them for the hearings for the second process, and you could also schedule every hearing you know you're going to have at once, keep the hearing process to a year so if you lose in a year and you appeal you get your own termination within two years, then you might not lose your house, decide you could live in state, right, wrong or indifferent at least you have your answer. To wait 5 years for your answer, people's whole lives are being submarined while they say oh this is our process. That that I believe is the process that really needs to be looked at.

**Man in audience:** And to just try to piggyback with what Chet was just saying I think the issue at the state level on appeals is more the availability of the doctors for their testimony. I think we go a year between their doctors, they're going to call one doctor then they adjourn the hearing, then we're seeing a second doctor another year later that prolongs it. The state would present all their witnesses at one trial on one day. I think that would really cut down the long waiting period.

**Colleen Gardner:** That's our goal. We tried to do that to the extent that we have. A lot of times it was medical records. Actually a lot of times counseling doesn't always agree with us. So the applicants got [inaudible]

**Senator Benjamin:** So what's the bottleneck to achieving the goal?

**Colleen Gardner:** I think it's a whole range of things, I think the average isn't 4-5 years to get to a hearing, I think those are outliers, in terms of cases that take that long, it could be a whole range of, you know, there is delay in us getting testimony from a doctor, sometimes the applicant's doctor isn't available to testify, we are as part of our request for additional staff

additional appropriation we're also asking the legislature for some full time hearing officers, that would be a great help as well. But there's, [pause], the first part of it the administrative process there can be delays in getting information from the employer, delays in getting medical information, there's problem with hospitals having their own HIPAA forms. What we're trying to do is expediting, is to tackle the whole case all at the same time because there are so many moving parts to move it along.

**Senator Golden:** Ok before you go into that. The technology that you're coming up with, would that be able to expedite this different forms from the different hospitals the employers, and if you go to court if it's a criminal case, you have to present your witnesses that day, all of them over the period of two weeks period while trial was going on. Does that give you the ability to do that?

**Colleen Gardner:** I think it does because the attorney sees what the IME report is, the applicant sees it, and people know a prompt and maybe we can prevent having to have it a testimonial hearing and we can rest on the medical end.

**Senator Golden:** and the reasons for the differences with the counsel, your counsel has differences with this for what purpose?

**Colleen Gardner:** No, I meant with the applicant's counsel.

**Senator Golden:** Ok, thank you. Chet you had something else to say there

**Chet Lukaszewski:** Well I was going to actually, again from my role as a I know it, point out that there's pros and cons in each system. I think NYCERS has been beaten up a lot but I think they have shown that they have really taken steps. I would say that they have inherited some of these issues. Melanie and Ilyse are new, they're really working to erase errors of the past. Police is here, I think police was ahead of the curve on specialty medical boards. There's always been a heart board, a lung board, I mean it might not be an official designation, but while police is here, I would ask again on the singular case level [pause] two questions, would be why are medical board minutes, if you go to a police medical board you find out the decision that day. 9/11, Orthopedic, but right now I am waiting for reports from October. Every now and then there'll be peaks and valleys where you'll get in maybe 8 to 9 weeks, the written report. But it's generally an average of 12 to 16. I've heard that it's a problem with stenographers and typists, so the same way NYCERS is looking to employ new individuals on their support staff would that be possible for Police? And the second question, this might even be more important people at this table, the verification of Police, whether someone can even if they are approved medically for 9/11 pension doesn't happen till the final stage. So, you can run the whole marathon then find out at the finish line that no you can't cross, we don't think that you are eligible. Will there be a way to bring that to the forefront? So, you're not going through the whole process with the doctors with the appearances with getting attorney, then at the final meeting you'll get the rug pulled out from under you, say we didn't verify you? Those would be my two questions, the delay in the medical board minutes for Police and the verification up front rather than at the end.



**Nicole Giambarrese:** You mean the notification of participation?

**Chet Lukaszewski:** That's not enough, they then have to verify that. Just because your tax number is on the website doesn't mean you're being verified. [pause], One suggestion to all agencies, NYCERS, I don't even know if they mentioned this, because of so many things they are working on, is they are going to have a secondary committee to where if your agency doesn't verify you, you can appear before them with photographs of you and your coworker down in the rubble, with affidavits, with video, anything somehow some way your employment records, and I know with Police, it is very difficult with memo books, DARS and records went to Albany and didn't come back. But if there would be the possibility for a committee of that type where the member if the agency records doesn't verify you, is able to use another means such as, literally your Polaroids, I mean this was so many years ago or your buddy or your dirty clothes or anything you've saved to get over the burden of the employer not having the records. Those would be my two questions.

**Senator Golden:** I've saved none of that. Colleen, Melanie did you want to respond to that? Police, I'm sorry.

**Kevin Holloran:** To start off with, I actually ran the Medical Division Police department [inaudible] prior to this current position, I understand it's a difficult position to fill and we have tried outside companies to try to help us and it hasn't really worked out well. I will speak to the Police department to see if we can get additional help to speed up that process somewhat, second question [inaudible]

**Chet Lukaszewski:** The verification, sometimes at the end they think there all set then it gets pulled back.

**Kevin Holloran:** Initially, I think they were doing verification only upon approval of the case. That changed 4 years ago I would say. Where we are evaluating people as they come in there are some cases that we can't verify, so you might have a person who's approved but however we still haven't been able to verify the case so that's just because we don't have the information or we haven't been able to find information. But, in most cases we have that person verified before we get to that final determination.

**Chet Lukaszewski:** Okay then, I won't break confidences. The letter that comes to several of my clients in recent pasts or maybe their long running cases, I'm not going to say there not accurate, you've been approved medically but the verification hasn't been complete. Is there a point where they could learn that prior to their final Board of Trustees date or that they are officially verified. I still think there is a disconnect.

**Kevin Holloran:** There's a lot of communication with the members and the members should be clear on the fact if they don't have information, we reach out to the members and anything we

can help us with so I kind of find it hard to believe that the member doesn't actually know that they have been verified.

**Chet Lukaszewski:** The ones that haven't been verified seems to be surprised by it.

**Kevin Holloran:** It's kind of surprising to me because we have contact with them. In fact, unfortunately some of these cases go on for an extended period of time and we're always reaching out to commands, the members themselves trying to find out if there is anything else we can help them with. We will go to the end until they're verified, 100% sure that they do not verify their case.

**Chet Lukaszewski:** I guess my final question will be if the memo books in the last 16 years have disappeared, if roll calls from the command aren't in the back office any more, or there was a flood, location moved, would there be the possibility for an appearance? To present to yourself to the Board of Trustees to bring in affidavits, bring in photographs, anything that can be looked into if it was a case a rare case to be verified?

**John Feale:** What you speak of is the guideline of the DOJ for the VCF.

**Man in the audience:** except the DOJ doesn't take photographs. But they take affidavits.

**Chet Lukaszewski:** I just know that the Police Department is such a massive, massive entity, and I know that each command in a way runs itself, but I know record-keeping is hard in general, but if we have individual stations with maybe not the scanning technology and now we're looking for memo books or someone who's been sick or has moved and she's gotten rid of stuff in her attic and the we don't have your OT, we don't have your roll calls, we don't have your DARs, we want to verify you but we can't, what can you give us? Well, let me appear, let me talk to you, let me bring in my commanding officer, let me bring in the guy who is the patrol car with me down sitting security for 3 weeks down there.

**Nicole Giambarrese:** So they say it takes a village to raise a child, it takes a village to verify a member. Technically the statute says that it's the employer who is responsible for verification, not the Board of Trustees. If you would like to go down that road for us, that statute needs to change. It's actually not our entire board as an entity that verifies a member, it's the representative and the Police Commissioner. To aid in that since the police department needs to be on the streets patrolling the city and keeping it as safe as it has been, we have a dedicated staff of about 10 people who do the verifications. We have over 1.8 million pages of documents that these people manually go thru, we post whenever possible. But some of these documents were scanned when scanning technology was not good and we now no longer have access to the originals to scan them in a more favorable technology. I would disagree that our Members are not aware because as our office is going through the verification process. We actually have an active lieutenant and a retired sergeant, who work with the police unions and police department, it's actually a little bit of a running joke that the retired sergeant has to go put on rainboots and dig through these horrible warehouses with dust and rats and water damage,

and she turns out documents and the reasons why some of those verifications go so long because we will not take a member off the calendar unless we can say without absolute certainty that they were not there for 40 hours. I have seen cases that have been tabled for 16 months and finally approved.

**Chet Lukaszewski:** That's exactly my point. And your efforts sound incredible but say that it's the responsibility statutorily of the Agency and you just told us how bad the Agency is at it, then shouldn't there be a secondary means where you're looking to assist the member whose Agency is dropping the ball.

**Nicole Giambarrese:** I actually entirely agree with you. And that's where our Senators come in. Our statute needs to change. We're operating within the confines of the law and unfortunately cannot act differently unless the verification requirements and participation requirements of the statute are changed.

**Chet Lukaszewski:** So your hands will be tied in the case where PD says there was a fire in that precinct, we don't have the records and then this person gets tabled for 16 months because PD has lost the records? That's my problem, I'm not saying it's the norm, but it has happened.

**Senator Golden:** I do believe he has an argument here, I think the argument is a legitimate argument, I think besides before getting into legislation, I think this can be done without legislation. Go ahead.

**Kevin Holloran** I'm sorry there is a concern that we wouldn't be able to point records but I have to say that I don't think we ever denied anyone without actually finding records to contradict the claims I don't think we have ever been in that position, I welcome you to give me a case where that has happened. We have never been in that position. There is a concern that that might happen I am not going to disregard those comments, but in the past it's always been something to contradict....

**Chet Lukaszewski:** I am not trying to throw you a bone, I mean I do think you work hard, NYCERS also, but it seems that maybe the employers are making your jobs harder. So one of the suggestions from NYCERS was to have their own committee to allow for secondary testing if that could then sustain the burden under the statute. You're implementing the statute under the, I've argued a hundred times in court, I don't think certain statutes are implemented fairly, but if you took this statute, and said, you know what we think we're in the bounds of the statute by allowing this secondary testimony, I'm not sure how many people are going to challenge you.

**Nicole Giambarrese:** We can bring that back to the Board. I, as general counsel, represent the Executive Director and I am a bit of a client roll I am not actually counsel support. I would have to have a conversation with the NYC Office of the Corporation Counsel and ask them for an advisory opinion as to whether or not such committee they would be appropriate and

acceptable and if they deem that it's acceptable it would require a resolution on the Board. But that is something we can investigate.

**Senator Golden:** I think that is a good answer if NYCERS can do it, I don't know why NYPD can't do it. And we don't, I believe, need legislation to do that. Senator Benjamin.

**Senator Benjamin:** Sure, next question how many PTSD based 9/11 cases has the office approved? To this date?

**Colleen Gardner:** I don't know.

**Senator Benjamin:** Can you get back to us on that?

**Colleen Gardner:** yep

**Senator Benjamin:** Lastly, in a few cases the World Trade Center health program doctor who's federally funded, has signed off an applicant being disabled but in those same cases these applicants have seen as not meeting the threshold on the state level can you speak. I will summarize, basically the federally funded WTC Health program doctor said listen this person should get disability and you said no, so the question is why has that, are you familiar with those scenarios? And can you talk about that, why that occurred.

**Colleen Gardner:** I don't know how many cases that involved but I know that standard for disability is different and we do consider those references that information is taken into account.

**Senator Benjamin:** So how are the standards different?

**Colleen Gardner:** You have to be permanently disabled from performance of your duties.

**Senator Benjamin:** I see, and their standard is what?

**Dr. Crane:** I don't think the health program makes determination of disability. They do have a process where they assist the VCF so it's not the issue. The questions might be phrased differently. You know they may not determine, say someone's sick from 9/11 but not disabled to do the job that the state has. The standards, the health program doesn't really get into disability, they make determinations whether they meet the covered conditions except for this small little program we worked out where the VCF, the Justice Department, will ask individual doctors to evaluate whether someone is disabled, they're not making they're just making general disability determinations, not disability per the State statute for what a job is as I understand it.

**Matthew McCauley:** Senator Benjamin, there may be a slight tweak on that. When it comes to the World Trade Center health and social securities, we have had those discussions before. The

Social Security disability has come back and said yes and then the state has come back and said no. The context in that being the World Trade Center is the answer differently with social security.

**Colleen Gardner:** So it's permanent disability. 100% disability performance of duty versus what Workers Comp has a whole range of permanent partial disability.

**John Feale:** So let me ask a question, if workman's comp and social security did 100% disability, have you guys ever said no to somebody?

**Colleen Gardner:** Often with Workers' Compensation it's a partial disability versus a full disability.

**Senator Golden:** Police

**Ilyse Sisolak:** I would like to point out there is a case law that specifically says that Workers Comp and Social Security is a finding but is not binding on the medical board, on any of our medical boards, on determining permanent disability. So, there is no binding case law at this time.

**John Feale:** But you're taking that into consideration.

**Ilyse Sisolak:** We're taking that into consideration.

**John Feale:** Also the doctors who have 15 years of training now at the World Trade Center Health Program on top of working Comp and Social Security.

**Ilyse Sisolak:** Everything is taken into consideration, but it's not a binding determination based on case law.

**Senator Golden:** Yes Doctor

**Doctor Crane:** I was impressed before and I am much more impressed now. I would like you to know that [inaudible] I would like to continue that question, if social security, Workers' Compensation disability, those levels of disability are not enough for the state system. What is? Social Security Disability is a profound level of disability. Particularly for muscular skeletal conditions, respiratory conditions, maybe this is a communication issue with, we can help to resolve if we understood it better because when I think about who I have worked with [inaudible] I think they are Social Security disabled, is it really really steep level of disability.

**Colleen Gardner:** So Social Security Disability is disability from any condition but it's not permanent disability, it's temporary disability.

**Doctor Crane:** [inaudible]

**Colleen Gardner:** If you're permanently disabled from performance of your duties

**Doctor Crane:** Permanent disability

**Colleen Gardner:** And that's been determined, we would take that into account. We would review those records and that probably would support a position of permanent disability.

**John Feale:** Stage 4 lung cancer 9/11 related?

**Senator Golden:** If you could go back and check your records and get back to us and on this conversation that we are having now. How many people been denied they got permanent disability.

**Man in audience:** That's maybe a communication issue.

**Colleen Gardner:** We are fully aware of the standards on Social Security Disability. That is something our medical board will use.

**Man in Audience:** [inaudible] Maybe we need to be better in our findings. More specific in our findings.

**Chet Lukaszewski:** I think it just boils down that its extremely frustrating for anyone on this side of the table looking for the benefits to where Social Security says you can't do any job on the national level, you can't be a telemarketer, you can't be a drawbridge operator, you can't be somebody on an assembly line who says red and blue and make sure they go down the right pathway but yet you can be a construction worker. You can be a police officer, you can be in some of the agency positions because there's no binding effect. So, that is statutorial and there is nothing we can do about it. But perhaps if there was some requirement that that decision either be given more weight or a reason be given to why it's being disagreed with. Not we considered it and we say we think the Social Security judge was too generous, we don't agree with the Social Security IME's findings, at least be explicit, rather than say we took it into consideration. Some of the medical decisions are very detailed. Others, especially I think a lot of people over here, can attest to, you scratch your head and say why did comp give him this and why did Social Security say he can't be someone who sits behind a desk but yet the agency is saying that there's a physical ability and if it does just focus on the permanency sometimes that doesn't translate in the reports. It just seems to me that Social Security is giving you total disability from any job in the national economy where my correctional officer or a sanitation worker or you fill in the blank or more physical than any job in the national economy, they're being denied, so Sean has seen it a 100 times as well.

**Man in Audience:** I also want to point out that we're also encapsulating Social Security Disability just finding a total disability from all jobs from the national economy. But, there's a statutory scheme to Social Security Disability which says that step four they have to be specifically found incapable of doing their prior work experience so Social Security finding of

disability also encapsulates that they are disabled from their prior work inclusive of what it is that they were doing.

**Chet Lukaszewski:** I think the agencies from my experience think Social Security might be too lenient. And they don't want to be bound by this Social Security of this issue and if that's the case, please explain the disagreement with the Social Security decision rather than saying it was considered, we don't agree. What part? Why? What can we do more of? What can we have our doctors explain in further detail. To simply say we took Social Security in consideration. We're not bound by it. It is frustrating.

**Senator Golden:** I agree, Social Security also can deny you and Social Security can go back again so by the time you do that you're talking about several years, into your disability before you get back to being able to present it to any one of these boards. So that is where you have a delay of 3, 4, 5 years. Not at the particular boards but in that individual trying to get his or her disability. Social Security does have a, I believe a pretty strict guideline for permanent disability. And I do believe that we can expand on that to see if there are areas that you agree or do not agree on that. We are probably going to do another one of these town halls, not town halls, roundtables, probably in another 3 months or so. I am impressed with the progress that we've made and the next one we want to be able to focus in on obviously the timelines and how we are moving along with those timelines, and how things have changed on different Boards. [pause] Next question. John, are you at a loss for words, John?

**John Feale:** No, I look forward to sitting down again and I look forward to you introducing legislation. And look, at the end of the day, I just want what's best for the 9/11 community. I think I'm being wise there, there are others that suffer from on the job injuries and illnesses but you can't take away what's happened 16 years ago. You know we lost 5 people in 6 days last week, I keep track of those who died September to September. Since September 1<sup>st</sup> of last year we lost 78 people. Many of them from the fire, you know all too well guys. I take this personally. There's a lot of people waiting for me to call today and post something positive and I want to be able to do that. I think any more talk will ruin it.

**Senator Golden:** Sean, very good, Sean. I am a, and I think it's been said at the table I am impressed obviously with NYSIS and our state workers, PD and FD for being here today and the progress that we've made. And a reason for another meeting in 3 months would be to find out some of the questions that were asked today such as Social Security such as a second committee or a board to look at some of these findings and to see how all the different boards have been able to work closer together on the same, not together as much as having the same type of outcomes. Go ahead.

**Matthew McCauley:** I have one question for Colleen, for an extended period of time specific to the NYS Police, we have members that have passed away with 9/11 related cancers they have immediately, Superintendent [inaudible] has immediately called a 9/11 death and has given them full service line of duty funerals. They have engraved their names in the wall and putting their pictures up on the wall, it's taking a long time [inaudible] a retired officer or officer of

service has died as a result of a 9/11 illness and families seem to be waiting a long time, it's a bit of a back and forth, it ends up in litigation to be honest with you. It just seems you have so much being invested by the actual physical agencies, their member dies as a result of their service. Yes when they finally get it, they get it retroactive but at the same time it seems to take a long time for the family to get that tangible benefit so I want to know why?

**Colleen Gardener:** I think that may have been true in the past but things have changed significantly [inaudible] we have reached out and got information [inaudible] if you know of any cases where someone is waiting [inaudible]

**Man in Audience:** I think he's referring more to the finalization period than he is the determination? Finalization of receiving their benefits and the calculation of their benefits?

**Colleen Gardener:** So let's talk after. I think we're looking at that and anytime we do get information we follow up immediately so.

**Senator Golden:** The, a notice of participation will expire again this year but I am sure we will redo that and I think that it is necessary that that happens. Anybody for closing statements? Boards? Unions? Non Unions? I want to personally thank you. I think we've moved a long way and I think we have accomplished a lot here. There's still more to accomplish and getting at the timelines and actually getting out what we have discussed on November 15<sup>th</sup> and what we have discussed today. So that is going to be our goal moving forward. And I think we're better at doing the Roundtable versus hearings. I think we get more discussed and we get to the point and it helps us move this ball over the goal line. I really appreciate the guidework you've done, Comptroller, thank you very much, NYSIS really impressed with your outcomes and of course, FD, PD thank you very much. [pause] Anybody I left out? Thank you, Ben, thank you doctor, thank you very, very much for being here and taking your day out, and I knew John would be here, hailstorm or whatever, we knew that John would be here, thank you for your input, John. Thank you very much and God bless you and let's make sure we do the right thing for our disabled.