



## New York State Teachers' Retirement System

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NYSTRS.org

## COVID-19 Accidental Death Benefit Fact Sheet

Chapter 78 of the Laws of 2021 extends earlier provisions of law<sup>1</sup> that established a COVID-19 accidental death benefit (“ADB”) for New York State public employees, including NYSTRS members. The law was enacted March 12, 2021 and is effective as of March 1, 2020.

Generally, NYSTRS members and certain retirees would be covered by a COVID-19 ADB if they reported to work at a place of employment as directed on or after March 1, 2020, contracted COVID-19 within 45 days, and died with COVID-19 causing or contributing to their death within the timeframe defined below. More specific eligibility for this benefit follows.

### Active Member Eligibility

- **The member reported to work on or after March 1, 2020.**
  - As directed by the employer, the work occurred at the member’s usual place of employment or at an alternate worksite other than the member’s home or residence.
- **Contracted COVID-19 within 45 days of reporting to work.**
  - This was confirmed by a positive laboratory test or diagnosed before or after such member’s death.
  - Certification of diagnosis must be made by a licensed, certified, registered or authorized physician, nurse practitioner or physician’s assistant currently in good standing in any state or the District of Columbia, or by a physician, nurse practitioner or physician’s assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency.
- **Died on or before December 31, 2022 and COVID-19 caused or contributed to the member’s death.**
  - COVID-19 needs to be documented on the death certificate, or
  - Certification of diagnosis must be made by a licensed, certified, registered or authorized physician, nurse practitioner or physician’s assistant currently in good standing in any state or the District of Columbia, or by a physician, nurse practitioner or physician’s assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency.
  - Certification needs to state that with a reasonable degree of medical certainty COVID-19 caused or contributed to the member’s death.
- **Upon verification and confirmation of the above, the statutory beneficiary<sup>2</sup> is eligible to receive the ADB.**
  - An accidental death benefit would consist of a lifetime annuity of 50% of the member’s most-recent year’s salary. In comparison, the ordinary death benefit would be a lump sum payment, generally equal to three times salary for active members with at least three years of service credit.
  - The statutory beneficiary will need to elect to receive either the ADB or the ordinary death benefit.
  - Any amount payable is reduced by any amount paid to any recipient of ordinary death benefits.

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<sup>1</sup> Chapter 78 of the Laws of 2021 extended Chapter 89 of the Laws of 2020, which expired December 31, 2020. NYS Executive Orders 202.87, 202.92 and 202.96 ultimately extended the date of death for active members to March 28, 2021.

<sup>2</sup> The statutory list provides as follows: 1. A surviving spouse who has not renounced survivorship rights in a separation agreement, until remarriage; 2. Surviving children until age twenty-five; 3. Dependent parents, determined under regulations promulgated by the head of the retirement system; 4. Any other person who qualified as a dependent on the final federal income tax return of the member or the return filed in the year immediately preceding the year of death, until such person reaches twenty-one years of age. In the event that a class of eligible beneficiaries consists of more than one person, benefits shall be divided equally among the persons in such class.

## Retired Member Eligibility<sup>3</sup>

- **The member reported to work on or after March 1, 2020.**
  - As directed by the employer, the work occurred at the member's usual place of employment or at an alternate worksite other than the member's home or residence.
- **Contracted COVID-19 within 45 days of reporting to work.**
  - This was confirmed by a positive laboratory test or diagnosed before or after such member's death.
  - Certification of diagnosis must be made by a licensed, registered or authorized physician, nurse practitioner or physician's assistant currently in good standing in any state or the District of Columbia, or by a physician, nurse practitioner or physician assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency.
- **Retired on or after March 1, 2020 and before July 1, 2020.**
- **Died on or before December 31, 2020, and COVID-19 caused or contributed to the retiree's death.**
  - COVID-19 needs to be documented on the death certificate or
  - Certification of diagnosis must be made by a licensed, certified, registered or authorized physician, nurse practitioner or physician's assistant currently in good standing in any state or the District of Columbia, or by a physician, nurse practitioner or physician's assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency.
  - Certification needs to state that with a reasonable degree of medical certainty COVID-19 caused or contributed to the member's death.
- **Upon verification and confirmation of the above, the statutory beneficiary<sup>4</sup> can apply to have the service retirement benefit or disability retirement benefit converted to an accidental death benefit.**
  - An accidental death benefit would consist of a lifetime annuity of 50% of the member's most-recent year's salary.
    - In contrast, a member's option selection under a service or disability retirement benefit may provide a lifetime annuity, a fixed period annuity, or a lump sum to a beneficiary. In addition, if the member's death benefit coverage was in effect when they retired, a post-retirement ordinary death benefit may apply. For active members with at least three years of service credit, the in-service ordinary death benefit is generally equal to three times salary. For members retired at least three years, the post-retirement ordinary death benefit would generally be 10% of the in-service ordinary death benefit in effect at retirement.
  - The member is deemed to have died on their date of retirement for the purposes of salary base.
  - By electing the conversion, the beneficiary relinquishes all rights to prospective benefits payable under the service or disability retirement benefit, including any post-retirement death benefit.
  - If the statutory beneficiary is not the only beneficiary entitled to receive a benefit under the post-retirement death benefit and/or the member's retirement option, the accidental death benefit payment will be reduced by any amount paid or payable.
- **Note: NYSTRS must receive the statutory beneficiary's election for the ADB within 90 days of the decedent's date of retirement or September 1, 2020, whichever is later.**

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<sup>3</sup> Chapter 89 of the Laws of 2020 amended various provision of law to establish a COVID-19 accidental death benefit ("ADB") for New York State public employees, including certain NYSTRS retirees. The law was enacted May 30, 2020 and was effective March 1, 2020. This provision of law is no longer open.

<sup>4</sup> As previously defined.

## **Claiming the Benefit**

When notifying NYSTRS of a member or retiree's death in order to claim this benefit, the caller should inform NYSTRS the death was related to COVID-19. In order to process the death benefit, NYSTRS requires an original death certificate.

The law authorizes NYSTRS to promulgate rules and regulations to administer this benefit. As such, NYSTRS will contact the member's employer to confirm the dates the member reported to work, and will request the required documentation showing COVID-19 as the cause of death.

If you have any questions about this law, please call us at (800) 348-7298 and use extension 6110 regarding the death of an active member; use extension 6140 for the death of a retired member.