

NEW YORK STATE COURT OFFICERS ASSOCIATION

OFFICE OF THE PRESIDENT



April 12, 2021

To: All Members New York State Court Officers Association
From: Dennis W. Quirk, President
Subject: Workers Compensation – COVID-19

Despite the prior recommendations of the Office of Court Administration (OCA) and the New York State Insurance Fund's (NYSIF) policy of controverting COVID-19 claims, it is essential that all court personnel contracting COVID-19 file a timely claim with the Workers' Compensation Board (WCB). Pursuant to a decision filed in September 2020, the WCB recognized the legal theory of "prevalence" with respect to claims of work-related exposure to COVID-19.

"Prevalence" is defined as evidence of significantly elevated hazards of environmental exposure that prevail in or about a workplace which demonstrated that the level of exposure to an infectious disease is extraordinary. "Prevalence" is demonstrated through evidence of the nature and extent of work activities, which must include significant contact with the public and/or co-workers in a location where COVID-19 is widespread. Failing to file a timely claim may jeopardize not only potential receipt of monetary and medical benefits associated with a claim with the WCB, moreover, may be detrimental to a future accidental (3/4's) disability retirement claim with the New York State and Local Retirement System (NYSLRS). Even if personnel have suffered no immediate financial harm and received necessary medical treatment, the dangers associated with potential long term effects from COVID-19 are well documented and may eventually lead to claims for disability retirement and/or social security disability. There is absolutely no cost associated with filing a claims for workers' compensation benefits. Since whether the evidence of "prevalence" applies to a particular claim presents an issue of fact to be resolved by the New York State Workers' Compensation Board, all claims for work-related COVID-19 exposure will be litigated by the workers' compensation insurance carrier. However, this should in no way discourage the filing of such a claim.

The attorneys at The Chase Sensale Law Group, L.L.P. (Dennis R. Chase, Esq. and Joseph F. Sensale, Esq.) have successfully represented court officers, members of law enforcement and firefighters for over thirty years. The Chase Sensale Law Group, L.L.P. has proven expertise to

successfully prosecute claims asserting work-related COVID-19 exposure **throughout New York State** – in fact, The Chase Sensale law Group, L.L.P. has recently successfully litigated such claims on behalf of such claimants as a New York State Court Officer and a Police Officer. The Chase Sensale Law Group, L.L.P., remains ever-vigilant with respect to any changes in the law with respect to COVID-19 claims and continues to play an integral role in advancing legislation that will provide first responders a presumption of compensability for these claims.

The Chase Sensale Law Group, L.L.P.
150 Motor Parkway, Suite 401
Hauppauge, New York 11788
631-714-2095
Email – DCHASE@CHASESENSALE.COM

Any Employee can initiate a Workers Compensation Claim on his/her own by filing C-3 “Employee Claim Form” with the New York State Workers Compensation Board. The fastest way to file the C-3 form is electronically by visiting the following link:
<https://www.wcb.ny.gov/onlineforms/c3/C3Form.html>

If you need any assistance with the filing of a Workers Compensation Claim please call the Union Office.

The past year has come with many challenges. So many of us have been struggling with adjusting to a different way of living. Stress, anxiety, depression, loss, isolation and living with uncertainty have become the norm.

For those of you on the front line, with even greater responsibility, the risk of developing a mental health or substance use problem is even greater.

The loss of friends, family and colleagues to COVID has been heartbreaking.

The shock and grief associated with losing a friend, colleague or family to suicide can be overwhelming. You can feel “numb”, or feel guilt, or sad and angry. Eventually, as more becomes known, you can accept that you may never know everything, and you can process the reality of this tragic event.

“Resilience”, how we bounce back from stressful situations, is a learned behavior we can build on to help us process challenging events.

The New York City Bar Lawyer Assistance Program (LAP) is a free and confidential service. Beyond lawyers and judges, we have offered assistance to court officers and other non-judicial staff over the years. We are available to help and support you and your family members and those close to you. We offer assessment, supportive counseling, intervention and referrals.

Confidentiality is the cornerstone of our program. Communications are privileged and protected by Judiciary Law Sec. 499, so that LAP can provide a safe place for you to talk about any issue or concern you may have.

Education is an important part of our mission and we would like to provide you with workshops that will give you some useful tools. One we call, “Doing Nothing Is Not An Option”, talks about the signs and symptoms of a mental health problem, or an alcohol or other substance use problem, and how to intervene when someone you care about is struggling. The second is a suicide prevention training.

First, we would like to hear from you. How can we best help you during this time? What would work best for you? Please use the following link to take an anonymous survey so that we know what YOU want or need:
<https://cowellness.questionpro.com>

In addition to the NYC Lawyer Assistance Program, there are two other LAPs and many assistance committees at local bar associations throughout the state. The programs are open to everyone associated with the legal profession, including court officers and anyone associated with the courts – and are strictly confidential. We would like to offer a safe place in which you can freely express yourself among fellow court officers.

We are also including a link to a unique, interactive Mindfulness & Well-Being tool kit for you to use on your own. It's full of ways to identify stressors you may not realize are wearing on you; and there are many easy- to- adopt suggestions for easing your mind and energizing your spirit.

<https://online.flippingbook.com/view/14263/>

NYC Lawyer Assistance Program (5 boroughs and Westchester)

Eileen Travis - 212-302-5787

etravis@nycbar.org

NYS Lawyer Assistance Program (all counties north of Westchester)

Stacey Whitley - 518-360-2352

swhitely@nysba.org

Nassau Co. Lawyer Assistance Program (Nassau & Suffolk)

Elizabeth Eckhardt - 516-512-6218

eeckhardt@nassaubar.org

Lawyers Depression Project (everyone welcome)

www.lawyersdepressionproject.org

Joseph Milowic

718-517-0132

National Suicide Hotline - 800-873-8255

NYC Mental Health Hotline - 888-692-9355

NJ Mental Health Cares - 866-202-5377

PLEASE SPEND A FEW MINUTES TO SUBMIT YOUR CONFIDENTIAL SURVEY at:

<https://cowellness.questionpro.com>