

Dear Friend,

As the Volunteer Firefighters' Benefit Law states: one of the finest traditions of American community life is the service which people render to others without remuneration.

To honor this important service, the NYS Legislature works to ensure that each volunteer firefighter is protected by our state and receives the care and benefits they and their families deserve in the case of death or disability suffered in the line of duty.

I will continue to support legislation that protects these dedicated citizens. Please contact my office if I can assist you further with this or any other matter.

Sincerely,



John Mikulin
Member of Assembly

District office

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Updated 1/26

Your Rights as a Volunteer Firefighter



Compliments of Assemblyman
John Mikulin

The Volunteer Firefighters' Benefit Law

Benefit eligibility

- All New York State volunteer firefighters are entitled to benefits under the law if they are active volunteer members of a fire company of a county, city, town, village or fire district and are injured in the line of duty.
- Medical, dental, podiatric and psychological (by referral) care, chiropractic treatment, surgery, hospital care, laboratory tests, prescription drugs, nursing services, surgical appliances and prosthetic devices are covered.
- Preauthorization is sometimes required.
- In the case of death, payments will be made to surviving dependents.
- A volunteer firefighter loses rights to benefits if the injury results solely from their intoxication from alcohol or drugs or from the intent to injure themselves or others.

What "in the line of duty" means

Any of the following activities when ordered or authorized:

- participation at a fire, alarm of fire, hazardous material incident, or other emergency situation that triggers a response by the fire company or its units, including assisting other fire departments or companies
- travel to, from and during fires or other calls to which the company responds and travel in connection with other authorized activities
- inspection of property for fire hazards or other dangerous conditions
- attendance at fire instructions or fire school, instructing at fire training, attendance at a convention or conference as an authorized delegate

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This brochure offers a general overview of information to help you better understand the topic. There may be new or changed legislation since this brochure's publication date. It is not a substitute for the text of the law or legal advice.

- participation in authorized drills, parades, funerals, inspections or reviews, tournaments, contests or public exhibitions conducted for firefighters and authorized fundraising activities (non-competitive events)
- work on or testing of fire apparatus and equipment, fire alarm systems, water supply systems and fire cisterns
- inspection of firefighting vehicles and apparatus prior to delivery under a contract or purchase, or performing duties related to the delivery
- response to a call for general ambulance service by a member of an authorized emergency rescue and first aid squad
- meetings of the fire company
- pumping water or other substances from a basement or building
- participation in a supervised physical fitness class
- some duties in the firehouse, such as construction, repair, maintenance and inspection
- fire prevention activities

Activities not covered by law

- participation, including practice, in any recreational or social activity other than noncompetitive fundraising activities
- competitive events such as baseball, basketball, football, bowling, contests between bands or drum corps, or other competitive events in

which volunteer members are competitors and which involve physical exertion on the part of the competitors

- work done in the service of a private employer, public corporation or special district
- work or service rendered while on leave of absence or suspended from duty
- work that the volunteer has been ordered not to perform

Individual service

When volunteer firefighters offer their services to another fire company or fire department within New York State, the responsibility for benefits resulting from an injury in the line of duty will fall on the fire company or fire department (and its "home" political subdivision) that accepted the services.

Presenting a claim for benefits

Complete the Volunteer Firefighter's Claim for Benefits, Form VF-3. You can obtain this form from the nearest Workers' Compensation Board (WCB) office, the WCB website (wcb.ny.gov) or from the fire district or company.

There are multiple options for submitting your claim to WCB. Visit wcb.ny.gov/content/main/forms/how-to-submit.jsp or call the WCB Customer Service line at **877-632-4996** for more information or assistance.

Claims must be filed within two years of an accident or two years from the date a death occurs.

Notification of injury or death

Notify one of the following individuals within 90 days of injury or death. This may be in the form of a signed copy of a VF-1, the notice of injury or death:

- clerk of the county board of supervisors;
- town or village clerk;
- secretary of the fire district or company; or
- comptroller or chief financial officer of the city.

You may use a signed copy of a VF-1, the notice of injury or death, for this notice. Go to wcb.ny.gov/content/main/forms/Forms_vf_vaw.jsp to find a VF-1 online.

Failure to give written notice can be excused when:

- notice can't be given;
- a member of a body in charge of, or any officer of, the fire department or company knew within the prescribed 90-day period of the injuries or death;
- the delayed notification has not harmed the political subdivision or insurance carrier's ability to investigate, defend, or settle the claim.
- the cause of disablement or death was not known to be due to service as a volunteer firefighter within the prescribed period of time.

Compensation

A volunteer firefighter does not need to be unable to work to receive the weekly cash payments under the law if the disability results (a) in loss of earning capacity or (b) in loss or partial loss of use of an arm, leg, hands, feet, toes, fingers or eye, or loss of hearing. If medical care is necessary, it will be provided without regard to the length of the disability, even though there is no time lost from work.

Earning capacity

Earning capacity is the capability of a volunteer firefighter to perform on a five- or six-day basis the work normally done in regular employment at the time of injury, or other work that could be reasonably obtained if the volunteer firefighter has no employment. Every volunteer firefighter is considered to have an earning capacity.

The Workers' Compensation Board determines the reasonable earning capacity of the volunteer firefighter and the work they could reasonably be expected to obtain and for which the firefighter is qualified by age, education, training and experience.

Source: NYS Workers' Compensation Board, wcb.ny.gov

Contact the New York State Workers' Compensation Board

WCB Customer Service line

Get assistance with filing a claim, request free language assistance services and more:

877-632-4996
8:30 a.m.-4:30 p.m., Mon.-Fri.

WCB District Offices

To connect with district offices, and find locations for customer service centers and hearing points, call Customer Service, or visit the WCB website:

wcb.ny.gov/content/main/DistrictOffices/MainPage.jsp

The Advocate for Injured Workers

The Advocate for Injured Workers helps employees access their workers' compensation benefits by providing information regarding your rights and helping resolve complaints. Call Customer Service and ask for the Office of the Advocate for Injured Workers:

877-632-4996
8:30 a.m.-4:30 p.m., Mon.-Fri.

