

**NYS Workers' Compensation
Board District Offices
Toll-Free Numbers**

Albany
866-750-5157

Binghamton
866-802-3604

Buffalo
866-211-0645

Hauppauge
866-681-5354

Manhattan, Brooklyn, Queens
800-877-1373

Peekskill
866-746-0552

Rochester
866-211-0644

Syracuse
866-802-3730

**Additional Workers'
Compensation
Board Contacts**

Advocate for Injured Workers
800-580-6665

Customer Service
877-632-4996

Disability Benefits Bureau
800-353-3092

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Your Rights As A Volunteer Firefighter



Compliments of
**Assemblyman
Jake Ashby**

www.nyassembly.gov

Dear Friend,

The Volunteer Firefighters' Benefit Law is prefaced by the statement: "One of the finest traditions of American community life is the service which people render to others without remuneration."



The NYS Legislature works to ensure that each volunteer 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.

That's why the Assembly fought for two new laws that went into effect in 2017. The first increases the weekly benefit payment for permanent totally disabled volunteer firefighters from \$400 to \$600. The second expands the "Move Over Law" to require drivers to slow down and move over for volunteer firefighters and ambulance workers whose vehicles have flashing blue or green lights.

I will continue to support legislation that protects these dedicated citizens. Please let me know if I can be of assistance in this or any other matter.

Jake Ashby
Member of Assembly

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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, osteopathic, 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, cash payments will be made to surviving dependents.

**This brochure provides a general overview and should not be used as a substitute for the text of the law or legal advice.*

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The Volunteer Firefighters' Benefit Law

■ What “in the line of duty” means

“In the line of duty” includes various emergency situations, such as:

- participation at a fire, hazardous material incident, alarm of fire or other emergency, including assisting other fire departments/companies;
- travel to, from and during fires or other calls to which the company responds;
- inspection for fire hazards or other dangerous conditions;
- attendance at fire instructions or fire school, instructing at fire training and attendance/travel to meetings;
- participation in authorized drills, parades, funerals, inspections or reviews, tournaments, contests or public exhibitions conducted for firefighters and authorized fundraising activities;
- testing fire apparatus and equipment, fire alarm systems, water supply systems and fire cisterns; and
- construction, repair, maintenance and inspection of the firehouse.

■ 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.

■ Activities not covered by law:

- participation, including practice, in any recreational or social activity, other than noncompetitive fundraising activities;
- competitive fundraising events, including contests between bands or drum corps, that involve physical exertion on the part of competitors;
- work in service of a private employer, public corporation or special district;
- work or service rendered while on leave of absence or while suspended from duty; and
- work or service performed against orders.

■ Presenting a claim for benefits

Obtain a VF-3 form, the claim for benefits, from the nearest Workers' Compensation Board office, the board's website (www.wcb.ny.gov) or from the fire district or company.

Notify one of the following individuals within 90 days of injury. 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 or ambulance district or company; or
- comptroller or chief financial officer of the city.

Mail a completed VF-3 to the board district office nearest you. Claims must be filed within two years of an accident or two years from the date a death occurs.

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; and
- 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 is one that results (a) in loss of earning capacity or (b) in loss or partial loss of use of an arm, leg 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 considered a reasonable substitute if there is 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.

