

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.

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.



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Member of Assembly

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Updated 7/23



Your Rights as a Volunteer Firefighter



Compliments of Speaker of the Assembly
Carl E. Heastie

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, cash 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 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



- participation in authorized drills, parades, funerals, inspections or reviews, tournaments, contests or public exhibitions conducted for firefighters and authorized fundraising activities (noncompetitive 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

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

The Volunteer Firefighters' Benefit Law*

- 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

Obtain a VF-3 form, the claim for benefits, from the nearest Workers' Compensation Board office,

the board's website (wcb.ny.gov) or from the fire district or company.

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 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 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 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

NYS Workers' Compensation Board website

wcb.ny.gov

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