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NEWS

Heroes to zeroes

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When Bronx EMT Vanessa Rodriguez spent close to a year collecting body parts at Ground Zero in the aftermath of the Sept. 11, 2001, terrorist attacks, she never realized the toxic dust she was inhaling would later give her stage-three cancer.

Two decades later, the now-disabled mother of two is facing termination from the Fire Department and preparing to apply for welfare after she learned the “unlimited” sick leave she thought she was entitled to under a 2019 state bill is not unlimited after all, despite what politicians promised.

“I thought that the city would take care of us,” Rodriguez, who lost her job in May, told The Post.

“I feel left out, like, ‘Here you go. You did your job. Now get out.’”

Rodriguez, 47, is one of a half-dozen or so FDNY Emergency Medical Services workers who learned this summer they’ll be fired for being out sick for more than a year with 9/11-related injuries under the state’s so-called “unlimited” sick-leave law for public workers who responded to the attacks.

Pension battle

When the FDNY informed them they’ll be canned if they don’t come back to work, many of them were in the midst of lengthy legal battles with the New York City Employee Retirement System to obtain an early three-quarters disability pension.

But the applications have been denied, some repeatedly, and experts say the court battles can last for years, leaving the applicants trapped in a bureaucratic limbo between sick leave and retirement that wrecks financial ruin.

“The World Trade Center population has always been looked on as a very, very cherished group of individuals,” said Gary Smiley, the WTC liaison for Local 2507, the paramedics and fire inspectors union.

“I don’t understand why you want to hurt these folks more than they’ve already been hurt. They responded to what they thought was a plane crash, but which turned into a nightmare that 21 years later continues to be a nightmare. Why do you want to add to these folks’ nightmare by not protecting them?” he said.

As many as 200 EMS personnel who responded to the attacks are either still working or on temporary leave with 9/11-related injuries, and could soon find themselves on the chopping block as

Disabled 9/11 EMTs face ax from FDNY

UNLIMITED INJUSTICE: Vanessa Rodriguez, who suffers many ailments from the Ground Zero cleanup, displays one of the many rejections of her application for a disability pension.



well, said Smiley.

The “unlimited” sick leave law, signed by then-Gov. Andrew Cuomo on the 18th anniversary of 9/11, granted various city employees who were injured responding to the attacks the same unlimited policy to which their uniformed counterparts at the NYPD and FDNY were entitled.

State Sen. Andrew Gounardes (D-Brooklyn), one of the bill’s sponsors, celebrated the law as the end to “heartbreaking health struggles” and endless negotiations for health benefits the responders sorely needed after developing a range of deadly illnesses from their time on the pile.

But the FDNY and the city’s Law Department claim the legislation doesn’t actually guarantee unlimited sick time. They said Article 71 of the state’s civil service law, which allows agencies to fire workers who’ve been out with job-related disabilities for more than a year, supersedes the law.

The FDNY blamed NYCERS for denying the workers their early retirements and forcing them to wage costly legal battles despite their career-ending disabilities.

“We have been advised that each of these members applied for a disability pension through NYCERS... and were denied.

“If these members wanted to return to work, they could return to our Bureau of Health Services to-

morrow and begin the process of being reinstated, and [be] offered a reasonable accommodation,” an FDNY spokesperson said. “We have made numerous attempts to avoid separation, and have exhausted all of our options.”

‘Shameful’

Gounardes said he wasn’t sure if Article 71 supersedes the bill he sponsored, calling it “a little bit of a wrinkle,” but said the FDNY’s decision to move ahead with termination is “shameful” and “inconsistent with the spirit of the law.”

“Unlimited sick leave is unlimited sick leave, and that intent was really clear,” said Gounardes. “Shame on whoever the mid-level paper pusher is who’s doing this.”

Smiley said, “Nowhere in the [unlimited sick leave law] does it state that it’s other than unlimited. Nowhere does it state that after one year’s time, you’re terminated. Otherwise, it wouldn’t have been called the unlimited sick leave bill. It would have been called the World Trade Center one-year bill.”

Tim McEnaney, who runs a law firm specializing in New York’s three-quarters disability pension, said EMS members see “disproportionately negative results” when applying for an early retirement from NYCERS compared to “any other uniformed service in the city.”

“You have to have metastasizing

cancer or a leg off or [be] missing an arm, or something so irrefutably disabling that [NYCERS] would be a complete laughing-stock [for denying the application]. Other than that, you’re getting denied,” said McEnaney, of Goldberg & McEnaney.

Rodriguez knows that struggle all too well. Since 2014, NYCERS has denied her application for an early retirement six times.

In 2008, she was diagnosed with stage 3 angiosarcoma, and while chemotherapy and radiation later put her in remission, the cancer and the procedures she had to fight it took a grave toll.

In 2014, she was determined to be “partially permanently disabled” by the FDNY.

“Functionally she is unable to grip. She cannot lift. She has difficulty with pins and needles and numbness into her fingers and toes,” Dr. K. J. Kelly, the chief medical officer for the FDNY at the time, wrote in a report after Rodriguez was examined.

Rodriguez has three options: continue her costly legal battle with NYCERS, take an early retirement in which she’d get half her pension (about \$25,000 a year) or return to work for four years so she can get her full pension, which she said she is unable to do.

“My body is deteriorating... I don’t understand what they’re doing,” said Rodriguez.

Travis Terrella