

[First Reprint]

SENATE, No. 1967

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 22, 2018

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Senator FRED H. MADDEN, JR.

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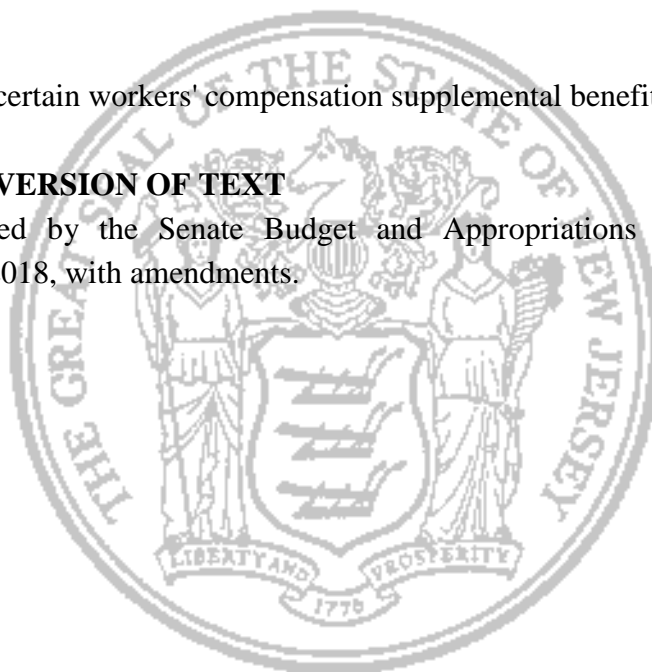
Assemblywomen Mosquera, Vainieri Huttler and Downey

SYNOPSIS

Concerns certain workers' compensation supplemental benefits.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on October 15, 2018, with amendments.



(Sponsorship Updated As Of: 2/26/2019)

1 AN ACT concerning workers' compensation benefits and
2 supplementing chapter 15 of Title 34 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Beginning with the fiscal year 2020, commencing July 1,
8 2019, and each fiscal year thereafter, a person who is ¹**[an**
9 **employee]** a public safety worker¹, or a dependent of the
10 ¹**[employee]** public safety worker¹, who is receiving weekly
11 benefits pursuant to subsection (b) of R.S.34:15-12, R.S.34:15-13,
12 or R.S.34:15-95 for a disability or death that occurred after
13 December 31, 1979, and who is not entitled to receive special
14 adjustment benefits pursuant to section 1 of P.L.1980, c.83
15 (C.34:15-95.4), shall be entitled to receive weekly supplemental
16 benefits from the Second Injury Fund during the period in which the
17 person is eligible to receive the initially-awarded weekly benefits,
18 whenever the amount of the initially-awarded weekly benefits is
19 less than the total amount of weekly benefits that would be payable
20 to the person if that total amount included weekly supplemental
21 benefits calculated in the manner indicated in subsection b. of this
22 section. In making the determination of the aggregate annual
23 surcharge for the Second Injury Fund to be levied pursuant to
24 paragraph (4) of subsection c. of R.S.34:15-94 for calendar year
25 2019 and each subsequent calendar year, the ¹**[commissioner]**
26 Commissioner of Labor and Workforce Development¹ shall include
27 the anticipated additional amounts, including administrative costs,
28 required for payment of supplemental benefits pursuant to this
29 section during the fiscal year which begins on July 1 of the
30 respective calendar year.

31 b. The base amount of the weekly supplemental benefits to be
32 paid pursuant to this section during each fiscal year shall be
33 calculated in a manner so that when it is added to the workers'
34 compensation weekly benefits initially awarded, the sum of the
35 initial award and the base weekly supplemental benefits shall bear
36 the same percentage relationship to the maximum workers'
37 compensation rate for the current fiscal year that the person's initial
38 compensation bore to the maximum workers' compensation rate in
39 effect at the time of the injury or death¹**].** The actual amount of the
40 supplemental benefits paid pursuant to this section shall be 33 1/3%
41 of the base amount during fiscal year 2020; 66 2/3% of the base
42 amount during fiscal year 2021; and 100% of the base amount
43 during fiscal year 2022 and thereafter¹**],** except that:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted October 15, 2018.

1 (1) The actual amount of the supplemental benefits paid
2 pursuant to this section shall be reduced if necessary, and as much
3 as is needed, to ensure that the sum of disability benefits provided
4 under the Federal Old Age, Survivors and Disability Insurance Act,
5 the weekly supplemental benefits and the workers' compensation
6 initially awarded does not, with respect to any particular case,
7 exceed the amount which would cause any reduction pursuant to 42
8 U.S.C. 424a of the amount of disability benefits for which the
9 individual is eligible under the Federal Old Age, Survivors and
10 Disability Insurance Act;

11 (2) The actual amount of the supplemental benefits paid
12 pursuant to this section to any individual shall, in cases not subject
13 to the provisions of paragraph (1) of this subsection, be reduced by
14 an amount equal to the individual's benefit payable under the
15 Federal Old-Age, Survivors' and Disability Insurance Act (except
16 for disability benefits paid to that individual under that act and any
17 cost of living increases in benefits paid to that individual under that
18 act), Black Lung benefits, or the employer's share of disability
19 pension payments received from or on account of an employer;

20 (3) A supplemental benefit shall not be paid if the actual amount
21 of the benefit to be paid is calculated to be less than \$5 per week,
22 and

23 (4) A supplemental benefit shall not be paid to an individual
24 who elects to not receive benefits under the Federal Old Age,
25 Survivors and Disability Insurance Act for which the individual is
26 eligible.

27 c. Notwithstanding any other provision of this section, weekly
28 supplemental benefits paid pursuant to this section shall not be paid
29 in a manner which in any way changes or modifies the provisions of
30 sections 1 or 9 of P.L.1980, c.83 (C.34:15-95.4 and 34:15-95.5).

31 d. An insurance carrier or self-insured employer responsible for
32 the payment of workers' compensation to an individual shall notify
33 the Division of Workers' Compensation of the need to have the
34 Second Injury Fund make supplemental benefit payments to the
35 individual pursuant to this section not later than the 60th day after
36 the date on which it is determined that the payment of supplemental
37 benefits is required pursuant to this section. If the insurance carrier
38 or self-insured employer fails to notify the division and that failure
39 results in the payment of an incorrect amount of benefits, the
40 liability for the payment of the supplemental benefits shall be
41 transferred from the Second Injury Fund to the employer until the
42 time at which the insurance carrier or self-insured employer
43 provides the required notice.

44 ¹e. For the purposes of this section, "public safety worker"
45 means a member, employee, or officer of a paid, partially-paid, or
46 volunteer fire or police department, force, company or district,
47 including the State Police or a first aid or rescue squad.¹

48

49 2. This act shall take effect immediately.