

SENATE, No. 1779

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Extends supplemental workers' compensation benefits to workplace injuries and deaths occurring after December 31, 1979.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing supplemental workers' compensation benefits in
2 certain cases of permanent total disability or death from workplace
3 injury.

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

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8 1. Beginning with the fiscal year 2004, commencing July 1, 2003,
9 and during each fiscal year thereafter, any employee whose period of
10 disability or death began or occurred after December 31, 1979, or
11 dependent of the employee, who receives weekly benefits as provided
12 under subsection (b) of R.S.34:15-12, R.S.34:15-13, or R.S.34:15-95
13 whose weekly benefit payment is less than the maximum compensation
14 rate in effect on the date of the benefit payment, and who is not
15 entitled to receive special adjustment benefits pursuant to section 1 of
16 P.L.1980, c.83 (C.34:15-95.4), shall be entitled to supplemental
17 benefits from the Second Injury Fund pursuant to the provisions of this
18 section. The payment of these supplemental benefits shall be made to
19 a beneficiary as long as the beneficiary is eligible to receive payments
20 under subsection (b) of R.S.34:15-12, R.S.34:15-13, or R.S.34:15-95.
21 The amount of the supplemental benefits shall be determined during
22 the fiscal year 2004 and recalculated during every fiscal year following
23 that fiscal year. For the year that the amount of the supplemental
24 benefits is determined or recalculated, the amount of the supplemental
25 benefits shall be such that when that amount is added to the workers'
26 compensation rate awarded as a result of the injury or death pursuant
27 to subsection (b) of R.S.34:15-12, R.S.34:15-13, or R.S.34:15-95, the
28 total of both the compensation rate and the amount of the
29 supplemental benefits shall bear the same percentage relationship to
30 the then current maximum workers' compensation rate that the
31 worker's own compensation rate awarded as the result of the injury or
32 death bears to the maximum workers' compensation rate in effect at
33 the time of the injury or death.

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35 2. This act shall take effect immediately.

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38 STATEMENT

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40 This bill provides, from July 1, 2003 forward, an annual cost of
41 living adjustment in the weekly workers' compensation benefit rate for
42 any worker who has become totally and permanently disabled from a
43 workplace injury at any time after December 31, 1979 and for the
44 surviving dependents of workers who have died from a workplace
45 injury at any time after December 31, 1979.

1 The adjustment of the weekly benefit rate provided by the bill in any
2 given year would be an amount, such that when that amount is added
3 to the workers' compensation rate initially awarded, the sum of the
4 initial compensation rate and the adjustment amount will bear the same
5 percentage relationship to the maximum workers' compensation rate
6 at the time of the adjustment that the initial compensation rate bore to
7 the maximum workers' compensation rate in effect at the time of the
8 initial award. The amount of the adjustment would be paid from the
9 Second Injury Fund.

10 Current law requires such annual adjustments in the rate of workers'
11 compensation benefits for death and permanent total disability to be
12 paid from the Second Injury Fund, but only in cases in which the injury
13 or death occurred before January 1, 1980. This bill extends the
14 adjustments to cases originating after December 31, 1979.

15 The bill makes no change in the provisions of sections 1 and 9 of
16 P.L.1980, c.83 (C.34:15-94.4 and 34:15-94.5), which provide for the
17 reduction of certain portions of workers' compensation benefits by the
18 amount of Social Security disability benefits paid. The bill, therefore,
19 will have no effect on existing provisions of State and federal law
20 regarding offsets between workers' compensation and federal Social
21 Security disability benefits.