

[First Reprint]

SENATE, No. 929

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JANUARY 16, 2014

Sponsored by:

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District 3 (Cumberland, Gloucester and Salem)

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District 4 (Camden and Gloucester)

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District 3 (Cumberland, Gloucester and Salem)

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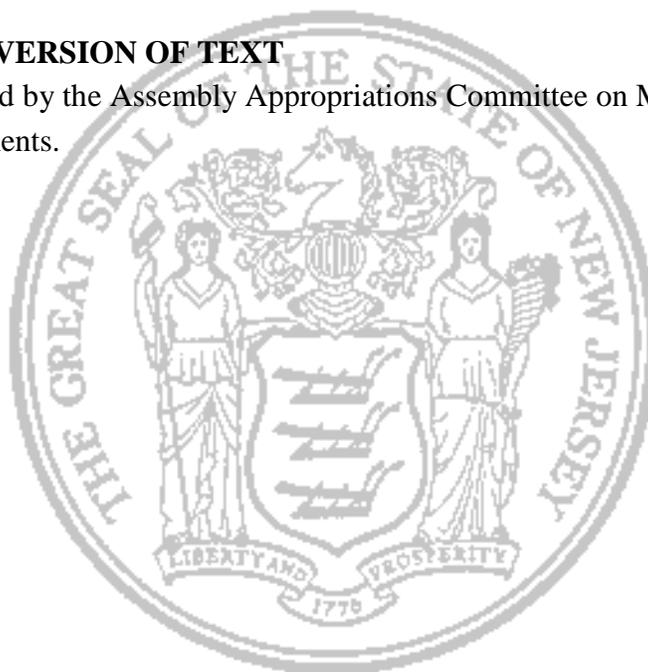
District 4 (Camden and Gloucester)

SYNOPSIS

Concerns certain workers' compensation supplemental benefits.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 16, 2015,
with amendments.



(Sponsorship Updated As Of: 6/26/2015)

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 ¹~~2016~~ 2017¹,
8 commencing July 1, ¹~~2015~~ 2016¹, and each fiscal year thereafter,
9 a person who is an employee, or a dependent of the employee, who
10 is receiving weekly benefits pursuant to subsection (b) of
11 R.S.34:15-12, R.S.34:15-13, or R.S.34:15-95 for a disability or
12 death that occurred after December 31, 1979, and who is not
13 entitled to receive special adjustment benefits pursuant to section 1
14 of P.L.1980, c.83 (C.34:15-95.4), shall be entitled to receive weekly
15 supplemental benefits from the Second Injury Fund during the
16 period in which the person is eligible to receive the initially-
17 awarded weekly benefits, whenever the amount of the initially-
18 awarded weekly benefits is less than the total amount of weekly
19 benefits that would be payable to the person if that total amount
20 included weekly supplemental benefits calculated in the manner
21 indicated in subsection b. of this section. In making the
22 determination of the aggregate annual surcharge for the Second
23 Injury Fund to be levied pursuant to paragraph (4) of subsection c.
24 of R.S.34:15-94 for calendar year ¹~~2015~~ 2016¹ and each
25 subsequent calendar year, the commissioner shall include the
26 anticipated additional amounts, including administrative costs,
27 required for payment of supplemental benefits pursuant to this
28 section during the fiscal year which begins on July 1 of the
29 respective calendar year.

30 b. The base amount of the weekly supplemental benefits to be
31 paid pursuant to this section during each fiscal year shall be
32 calculated in a manner so that when it is added to the workers'
33 compensation weekly benefits initially awarded, the sum of the
34 initial award and the base weekly supplemental benefits shall bear
35 the same percentage relationship to the maximum workers'
36 compensation rate for the current fiscal year that the person's initial
37 compensation bore to the maximum workers' compensation rate in
38 effect at the time of the injury or death. The actual amount of the
39 supplemental benefits paid pursuant to this section shall be 33 1/3%
40 of the base amount during fiscal year ¹~~2016~~ 2017¹; 66 2/3% of
41 the base amount during fiscal year ¹~~2017~~ 2018¹; and 100% of the
42 base amount during fiscal year ¹~~2018~~ 2019¹ and thereafter,
43 except that:

44 (1) The actual amount of the supplemental benefits paid
45 pursuant to this section shall be reduced if necessary, and as much

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:

¹Assembly AAP committee amendments adopted March 16, 2015.

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

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

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

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

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

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

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2. This act shall take effect immediately.