

ASSEMBLY, No. 3945

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

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District 33 (Hudson)

Co-Sponsored by:

**Assemblywoman Vainieri Huttie, Assemblymen Dancer, Tully,
Assemblywomen Swain and Jimenez**

SYNOPSIS

Extends eligibility for accidental disability and accidental death benefits to certain PFRS and PERS members who contract infectious diseases during public health emergency or state of emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2020)

1 AN ACT concerning eligibility for accidental disability and accidental
2 death benefits for certain members of the Police and Firemen's
3 Retirement System and the Public Employees' Retirement
4 System who contract infectious diseases during a public health
5 emergency or state of emergency and supplementing P.L.1944,
6 c.255 (C.43:16A-1 et seq.) and P.L.1954, c.84 (C.43:15A-1 et
7 seq.).

8
9 **BE IT ENACTED** *by the Senate and General Assembly of the State*
10 *of New Jersey:*

11
12 1. For purposes of paragraph (1) of subsection a. of section 7
13 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall be
14 deemed to have occurred as a direct result of a traumatic event
15 occurring during and as a result of the performance of regular or
16 assigned duties if:

17 the member contracts an infectious disease during the period of a
18 public health emergency or state of emergency declared because of
19 that disease;

20 the member is permanently and totally disabled as a result of the
21 disease; and

22 the member's regular or assigned duties required the member to
23 interact, and the member so interacted, with the public on any date
24 after the declaration of the public health emergency or state of
25 emergency and within two weeks prior to the appearance of
26 symptoms that shall have been confirmed by a physician.

27 A member who has been approved for a retirement allowance
28 pursuant to a provision other than this section or section 7 of
29 P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act,
30 P.L. , c. (pending before the Legislature as this bill), may apply
31 for a retirement allowance pursuant to this section and, if approved,
32 the prior approval shall be rescinded and the retirement allowance
33 pursuant to approval under this section shall be made retroactive to
34 the date of the initial approval of the rescinded retirement allowance.

35 This section shall not apply to any member who has retired and
36 subsequently returned to employment pursuant to Executive Order
37 No. 115 of 2020 or any other executive order similarly permitting a
38 retired member to return to employment without reenrollment to
39 assist during a public health emergency or state of emergency.

40
41 2. For purposes of paragraph (1) of section 10 of P.L.1944, c.255
42 (C.43:16A-10), a member whose death is attributable to an infectious
43 disease, complications therefrom, or the aggravation or acceleration
44 of a preexisting condition caused thereby shall be deemed to have
45 occurred as the result of an accident met in the actual performance of
46 duty at some definite time and place if:

1 the member contracted an infectious disease during the period of
2 a public health emergency or state of emergency declared because of
3 that disease;

4 the member dies as a result of the disease; and

5 the member's regular or assigned duties required the member to
6 interact, and the member so interacted, with the public on any date
7 after the declaration of the public health emergency or state of
8 emergency and within two weeks prior to the appearance of
9 symptoms that shall have been confirmed by a physician.

10 The filing of an accident report with the Police and Firemen's
11 Retirement System shall not be required for an accidental death
12 benefit allowed pursuant to this section.

13 If a benefit has been approved pursuant to a provision other than
14 this section or section 10 of P.L.1944, c.255 (C.43:16A-10) prior to
15 the effective date of this act, P.L. , c. (pending before the
16 Legislature as this bill), a beneficiary may apply for a benefit
17 pursuant to this section and, if approved, the prior approval shall be
18 rescinded and the benefit pursuant to approval under this section shall
19 be made retroactive to the date of the initial approval of the rescinded
20 benefit.

21 This section shall not apply to any member who has retired and
22 subsequently returned to employment pursuant to Executive Order
23 No. 115 of 2020 or any other executive order similarly permitting a
24 retired member to return to employment without reenrollment to
25 assist during a public health emergency or state of emergency.

26
27 3. As used in this section, "law enforcement officer" includes, but
28 shall not be limited to, sheriff's officers and corrections officers.

29 For purposes of subsection a. of section 43 of P.L.1954, c.84
30 (C.43:15A-43), permanent and total disability of member who is a
31 law enforcement officer, firefighter, or emergency medical
32 responder eligible to retire pursuant to that subsection a. shall be
33 deemed to have occurred as a direct result of a traumatic event
34 occurring during and as a result of the performance of regular or
35 assigned duties if:

36 the law enforcement officer, firefighter, or emergency medical
37 responder contracts an infectious disease during the period of a
38 public health emergency or state of emergency declared because of
39 that disease;

40 the law enforcement officer, firefighter, or emergency medical
41 responder is permanently and totally disabled as a result of the
42 disease; and

43 the law enforcement officer, firefighter, or emergency medical
44 responder's regular or assigned duties required the law enforcement
45 officer, firefighter, or emergency medical responder to interact, and
46 the law enforcement officer, firefighter, or emergency medical
47 responder so interacted, with the public on any date after the
48 declaration of the public health emergency or state of emergency and

1 within two weeks prior to the appearance of symptoms that shall have
2 been confirmed by a physician.

3 A member who is a law enforcement officer, firefighter, or
4 emergency medical responder and who has been approved for a
5 retirement allowance pursuant to a provision other than this section
6 or section 43 of P.L.1954, c.84 (C.43:15A-43) prior to the effective
7 date of this act, P.L. , c. (pending before the Legislature as this
8 bill), may apply for a retirement allowance pursuant to this section
9 and, if approved, the prior approval shall be rescinded and the
10 retirement allowance pursuant to approval under this section shall be
11 made retroactive to the date of the initial approval of the rescinded
12 retirement allowance.

13 This section shall not apply to any member who has retired and
14 subsequently returned to employment pursuant to Executive Order
15 No. 115 of 2020 or any other executive order similarly permitting a
16 retired member to return to employment without reenrollment to
17 assist during a public health emergency or state of emergency.

18

19 4. As used in this section, "law enforcement officer" includes, but
20 shall not be limited to, sheriff's officers and corrections officers.

21 For purposes of paragraph (1) of subsection a. of section 49 of
22 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement
23 officer, firefighter, or emergency medical responder and whose death
24 is attributable to an infectious disease, complications therefrom, or
25 the aggravation or acceleration of a preexisting condition caused
26 thereby shall be deemed to have occurred as the result of an accident
27 met in the actual performance of duty at some definite time and place
28 if:

29 the law enforcement officer, firefighter, or emergency medical
30 responder contracted an infectious disease during the period of a
31 public health emergency or state of emergency declared because of
32 that disease;

33 the law enforcement officer, firefighter, or emergency medical
34 responder dies as a result of the disease; and

35 the law enforcement officer, firefighter, or emergency medical
36 responder's regular or assigned duties required the law enforcement
37 officer, firefighter, or emergency medical responder to interact, and
38 the law enforcement officer, firefighter, or emergency medical
39 responder so interacted, with the public on any date after the
40 declaration of the public health emergency or state of emergency and
41 within two weeks prior to the appearance of symptoms that shall have
42 been confirmed by a physician.

43 The filing of an accident report with the Public Employees'
44 Retirement System shall not be required for an accidental death
45 benefit allowed pursuant to this section.

46 If an application of a beneficiary has been approved pursuant to a
47 provision other than this section or section 49 of P.L.1954, c.84
48 (C.43:15A-49) prior to the effective date of this act, P.L. , c.

1 (pending before the Legislature as this bill), a beneficiary may apply
2 for a benefit pursuant to this section and, if approved, the prior
3 approval shall be rescinded and the benefit pursuant to approval
4 under this section shall be made retroactive to the date of the
5 rescinded initial approval.

6 This section shall not apply to any member who has retired and
7 subsequently returned to employment pursuant to Executive Order
8 No. 115 of 2020 or any other executive order similarly permitting a
9 retired member to return to employment without reenrollment to
10 assist during a public health emergency or state of emergency.

11
12 5. This act shall take effect immediately and shall be retroactive
13 to January 1, 2020.

14 15 16 STATEMENT

17
18 This bill extends accidental disability and accidental death
19 benefits to eligible law enforcement officers, firefighters, and
20 emergency medical responders enrolled in the Police and Firemen's
21 Retirement System (PFRS) and Public Employees' Retirement
22 System (PERS) who contract infectious diseases during a public
23 health emergency or state of emergency declared as a result of that
24 disease.

25 In order to qualify for accidental disability benefits, law
26 enforcement officers, firefighters, and emergency medical
27 responders enrolled in the systems need to sustain a permanent and
28 total disability as a result of a traumatic event occurring during and
29 as a result of regular or assigned duties. This bill provides that
30 exposure to an infectious disease during a public health emergency
31 or state of emergency declared as a result of that disease is considered
32 a traumatic event occurring during and as a result of regular and
33 assigned duties provided that (1) the law enforcement officer,
34 firefighter, or emergency medical responder contracted an infectious
35 disease during a public health emergency or state of emergency
36 declared because of that disease, (2) the law enforcement officer,
37 firefighter, or emergency medical responder is permanently and
38 totally disabled as a result of the disease, and (3) the law enforcement
39 officer, firefighter, or emergency medical responder's regular or
40 assigned duties required the law enforcement officer, firefighter, or
41 emergency medical responder to interact, and the law enforcement
42 officer, firefighter, or emergency medical responder so interacted,
43 with the public on any date after the declaration of the public health
44 emergency or state of emergency and within two weeks prior to the
45 appearance of symptoms that confirmed by a physician.

46 Upon the death of a law enforcement officer, firefighter, or
47 emergency medical responder, eligible beneficiaries of those
48 enrolled in the systems can obtain an accidental death benefit

1 provided the accident occurred during the performance of duty at
2 some definite time and place. Under this bill, the death of a law
3 enforcement officer, firefighter, or emergency medical responder that
4 is attributable to an infectious disease, complications therefrom, or
5 the aggravation or acceleration of a preexisting condition caused
6 thereby will be deemed to have occurred as the result of an accident
7 met in the actual performance of duty at some definite time and place
8 if (1) the law enforcement officer, firefighter, or emergency medical
9 responder contracted an infectious disease during the period of a
10 public health emergency or state of emergency declared because of
11 that disease, (2) the law enforcement officer, firefighter, or
12 emergency medical responder dies as a result of the disease, and (3)
13 the law enforcement officer, firefighter, or emergency medical
14 responder's regular or assigned duties required the law enforcement
15 officer, firefighter, or emergency medical responder to interact, and
16 the law enforcement officer, firefighter, or emergency medical
17 responder so interacted, with the public on any date after the
18 declaration of the public health emergency or state of emergency and
19 within two weeks prior to the appearance of symptoms that are
20 confirmed by a physician.

21 Retired law enforcement officers, firefighters, and emergency
22 medical responders who return to employment pursuant to Executive
23 Order No. 115 of 2020 or any other executive order similarly
24 permitting a retiree to return to work without reenrollment to assist
25 during a public health emergency or state of emergency are not
26 eligible convert their current retirement benefit to reflect the
27 accidental disability and accidental death benefits provided in this
28 bill.

29 Finally, this bill is retroactive to January 1, 2020 to cover all states
30 of emergency that have arisen on or after that date.

31 Law enforcement officers, firefighters, and emergency medical
32 responders willingly place their lives at risk in order to ensure the
33 well-being and safety of our communities every day. This is true
34 now more than ever as many are currently serving on the frontlines
35 of a global pandemic helping victims in need, containing the spread
36 of the virus, and preventing future infections. Expanding these
37 benefits is one way we acknowledge their heroism during a public
38 health emergency or state of emergency and provide for both them
39 and their families in times of need.