

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2380

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MAY 11, 2020

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SYNOPSIS

Concerns employment benefits and coronavirus disease 2019 infections contracted by essential employees.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on July 27, 2020, with amendments.

(Sponsorship Updated As Of: 7/30/2020)

1 **AN ACT** concerning essential employees contracting coronavirus
2 disease 2019 and supplementing 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. As used in this act:

8 “Essential employee” means an employee in the public or private
9 sector who, during a state of emergency:

10 (1) is a public safety worker or first responder, including any
11 fire, police or other emergency responders;

12 (2) is involved in providing medical and other healthcare
13 services, emergency transportation, social services, and other care
14 services, including services provided in health care facilities,
15 residential facilities, or homes;

16 (3) performs functions which involve physical proximity to
17 members of the public and are essential to the public's health,
18 safety, and welfare, including transportation services, hotel and
19 other residential services, financial services, and the production,
20 preparation, storage, sale, and distribution of essential goods such
21 as food, beverages, medicine, fuel, and supplies for conducting
22 essential business and work at home; or

23 (4) is any other employee deemed an essential employee by the
24 public authority declaring the state of emergency.

25 ¹An employee who is an employee of the State who is offered
26 the option of working at home but has refused that option shall not
27 be regarded as an essential employee.¹

28 “Health care facility” means any non-federal institution, building
29 or agency, or portion thereof, whether public or private, for profit or
30 nonprofit, that is used, operated or designed to provide health
31 services, medical or dental treatment or nursing, rehabilitative, or
32 preventive care to any person. Health care facility includes, but is
33 not limited to: an ambulatory surgical facility, home health agency,
34 hospice, hospital, infirmary, intermediate care facility, dialysis
35 center, long-term care facility, medical assistance facility, mental
36 health center, paid and volunteer emergency medical services,
37 outpatient facility, public health center, rehabilitation facility,
38 residential treatment facility, skilled nursing facility, and adult day
39 care center. Health care facility also includes, but is not limited to,
40 the following related property when used for or in connection with
41 the foregoing: a laboratory, research facility, pharmacy, laundry
42 facility, health personnel training and lodging facility, patient, guest
43 and health personnel food service facility, and the portion of an

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 July 27, 2020.

1 office or office building used by persons engaged in health care
2 professions or services.

3 "Health care worker" means an individual employed by a health
4 care facility.

5 "Public safety worker" includes a member, employee, or officer
6 of a paid, partially-paid, or volunteer fire or police department,
7 force, company or district, including the State Police, a Community
8 Emergency Response Team approved by the New Jersey Office of
9 Emergency Management, or a correctional facility, or a basic or
10 advanced medical technician of a first aid or rescue squad, or any
11 other nurse, basic or advanced medical technician.

12

13 2. If, during the public health emergency declared by
14 ¹[Executive Order 103 of 2020 as extended by subsequent
15 executive orders] an executive order of the Governor and any
16 extension of the order¹, an individual contracts coronavirus disease
17 2019 during a time period in which the individual is working in a
18 place of employment other than the individual's own residence as a
19 health care worker, public safety worker, or other essential
20 employee, there shall be a rebuttable presumption that the
21 contraction of the disease is work-related and fully compensable for
22 the purposes of benefits provided under R.S.34:15-1 et seq.,
23 ordinary and accidental disability retirement, and any other benefits
24 provided by law to individuals suffering injury or illness through
25 the course of their employment. This prima facie presumption may
26 be rebutted by a preponderance of the evidence showing that the
27 worker was not exposed to the disease while working in the place of
28 employment other than the individual's own residence.

29

30 3. Any workers' compensation claims paid ¹[as a result of the
31 rebuttable presumption provided for in] according to section 2 of¹
32 this act shall not be considered in calculating an employer's
33 ¹[experience modifier rate or otherwise affect an employer's
34 insurance premium rate for the employer's workers' compensation
35 policy] Experience Modification Factor, pursuant to the New Jersey
36 Workers' Compensation and Employers Liability and Insurance
37 Manual administered by the Compensation Rating and Inspection
38 Bureau established by section 2 of P.L.1995, c.393 (C.34:15-89.1)
39 and section 1 of P.L.2008, c.97 (C. 34:15-90.1)¹.

40

41 4. This act is intended to affirm certain rights of essential
42 employees under the circumstances specified in this act, and shall
43 not be construed as reducing, limiting or curtailing any rights of any
44 worker or employee to benefits provided by law.

45

46 5. This act shall take effect immediately and shall be
47 retroactive to March 9, 2020.