

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2380

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MAY 11, 2020

Sponsored by:

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District 22 (Middlesex, Somerset and Union)
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District 30 (Monmouth and Ocean)
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District 14 (Mercer and Middlesex)

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Senator Sacco

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Labor Committee.



(Sponsorship Updated As Of: 5/14/2020)

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

43 “Health care worker” means an individual employed by a health
44 care facility.

45 “Public safety worker” includes a member, employee, or officer
46 of a paid, partially-paid, or volunteer fire or police department,
47 force, company or district, including the State Police, a Community
48 Emergency Response Team approved by the New Jersey Office of

1 Emergency Management, or a correctional facility, or a basic or
2 advanced medical technician of a first aid or rescue squad, or any
3 other nurse, basic or advanced medical technician.
4

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

21 3. Any workers' compensation claims paid as a result of the
22 rebuttable presumption provided for in this act shall not be
23 considered in calculating an employer's experience modifier rate or
24 otherwise affect an employer's insurance premium rate for the
25 employer's workers' compensation policy.
26

27 4. This act is intended to affirm certain rights of essential
28 employees under the circumstances specified in this act, and shall
29 not be construed as reducing, limiting or curtailing any rights of any
30 worker or employee to benefits provided by law.
31

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