

SENATE, No. 2430

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator O'Scanlon

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: 6/25/2020)

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 System
4 who contract infectious diseases during a public health emergency
5 or state of emergency and supplementing P.L.1944, c.255
6 (C.43:16A-1 et seq.) and P.L.1954, c.84 (C.43:15A-1 et seq.).
7

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

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

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

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

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

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31 the prior approval shall be rescinded and the retirement allowance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33 the date of the initial approval of the rescinded retirement allowance.

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

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

46 the member contracted an infectious disease during the period of
47 a public health emergency or state of emergency declared because of
48 that disease;

1 the member dies as a result of the disease; and
2 the member's regular or assigned duties required the member to
3 interact, and the member so interacted, with the public on any date
4 after the declaration of the public health emergency or state of
5 emergency and within two weeks prior to the appearance of
6 symptoms that shall have been confirmed by a physician.

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

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

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

23

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

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

32 the law enforcement officer, firefighter, or emergency medical
33 responder contracts an infectious disease during the period of a
34 public health emergency or state of emergency declared because of
35 that disease;

36 the law enforcement officer, firefighter, or emergency medical
37 responder is permanently and totally disabled as a result of the
38 disease; and

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

47 A member who is a law enforcement officer, firefighter, or
48 emergency medical responder and who has been approved for a

1 retirement allowance pursuant to a provision other than this section
2 or section 43 of P.L.1954, c.84 (C.43:15A-43) prior to the effective
3 date of this act, P.L. , c. (pending before the Legislature as this
4 bill), may apply for a retirement allowance pursuant to this section
5 and, if approved, the prior approval shall be rescinded and the
6 retirement allowance pursuant to approval under this section shall be
7 made retroactive to the date of the initial approval of the rescinded
8 retirement allowance.

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

15 4. As used in this section, “law enforcement officer” includes,
16 but shall not be limited to, sheriff’s officers and corrections officers.

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

25 the law enforcement officer, firefighter, or emergency medical
26 responder contracted an infectious disease during the period of a
27 public health emergency or state of emergency declared because of
28 that disease;

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

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

39 The filing of an accident report with the Public Employees’
40 Retirement System shall not be required for an accidental death
41 benefit allowed pursuant to this section.

42 If an application of a beneficiary has been approved pursuant to a
43 provision other than this section or section 49 of P.L.1954, c.84
44 (C.43:15A-49) prior to the effective date of this act, P.L. , c.
45 (pending before the Legislature as this bill), a beneficiary may apply
46 for a benefit pursuant to this section and, if approved, the prior
47 approval shall be rescinded and the benefit pursuant to approval

1 under this section shall be made retroactive to the date of the
2 rescinded initial approval.

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

8
9 5. This act shall take effect immediately and shall be retroactive
10 to January 1, 2020.

11 12 13 STATEMENT

14
15 This bill extends accidental disability and accidental death
16 benefits to eligible law enforcement officers, firefighters, and
17 emergency medical responders enrolled in the Police and Firemen's
18 Retirement System (PFRS) and Public Employees' Retirement
19 System (PERS) who contract infectious diseases during a public
20 health emergency or state of emergency declared as a result of that
21 disease.

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

43 Upon the death of a law enforcement officer, firefighter, or
44 emergency medical responder, eligible beneficiaries of those
45 enrolled in the systems can obtain an accidental death benefit
46 provided the accident occurred during the performance of duty at
47 some definite time and place. Under this bill, the death of a law
48 enforcement officer, firefighter, or emergency medical responder that

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

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

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

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