

SENATE, No. 1885

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1997

By Senator MARTIN

1 AN ACT concerning sick leave and amending N.J.S.18A:30-2.1.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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6 1. N.J.S. 18A:30-2.1 is amended to read as follows:

7 18A:30-2.1. a. Whenever any employee, entitled to sick leave
8 under this chapter, is absent from his post of duty as a result of a
9 personal injury caused by an accident arising out of and in the course
10 of his employment, his employer shall pay to such employee the full
11 salary or wages for the period of such absence for up to one calendar
12 year without having such absence charged to the annual sick leave or
13 the accumulated sick leave provided in [sections] N.J.S.18A:30-2 and
14 N.J.S.18A:30-3. Salary or wage payments provided in this section
15 shall be made for absence during the waiting period and during the
16 period the employee received or was eligible to receive a temporary
17 disability benefit under chapter 15 of Title 34 [, Labor and Workmen's
18 Compensation,] of the Revised Statutes. Any amount of salary or
19 wages paid or payable to the employee pursuant to this section shall
20 be reduced by the amount of any [workmen's] workers' compensation
21 award made for temporary disability.

22 b. If an employee, entitled to sick leave under this chapter, receives
23 a temporary disability benefit under chapter 15 of Title 34 of the
24 Revised Statutes for a period of disability occurring within one
25 calendar year of the date of the personal injury or first absence
26 resulting from the personal injury for which the employee is entitled to
27 receive benefits pursuant to subsection a. of this section, the judge of
28 compensation shall include in the decision, award, determination and
29 rule for judgment or the order approving settlement, a provision
30 compelling the employer to pay all salary or wages due the employee
31 and restore all annual sick leave or accumulated sick leave charged to
32 the employee, as required pursuant to subsection a. of this section.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 The provision shall be binding on the parties and shall be enforceable
2 in the same manner as a judgment of the Superior Court.
3 (cf: N.J.S.18A:30-2.1)

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5 2. This act shall take effect immediately.
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8 STATEMENT
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10 The purpose of this bill is to simplify the procedure for school
11 employees who are injured in accidents covered pursuant to
12 N.J.S.18A:30-2.1 to receive their full salary for the calendar year
13 period provided for by that statute and to correct their sick leave
14 accounts when sick leave is incorrectly charged to their annual or
15 accumulated sick leave. Under present practice, a party seeking sick
16 leave benefits under N.J.S.18A:30-2.1 must file a petition with the
17 Commissioner of Education within the 90-day limitation of
18 N.J.A.C.6:24-1.2 and then file a claim with the Division of Workers'
19 Compensation. The petition may then be held in abeyance while the
20 employee's entitlement to temporary disability is determined by the
21 Division of Workers' Compensation. Pursuant to decisions of the
22 Commissioner of Education and the State Board of Education, if the
23 Division of Workers' Compensation rules in the employee's favor, the
24 employee as a matter of law is entitled to receive his full salary for one
25 calendar year, and restoration of annual and accumulated sick leave.
26 This bill would simplify and economize the procedure and spare both
27 parties the unnecessary and wasteful expense of potentially having to
28 resort or return to the commissioner to litigate the employee's
29 entitlement, since the entitlement would be definitively established by
30 the decision, award, determination and rule for judgment or the order
31 approving settlement.

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36 Requires a provision in workers' compensation awards compelling
37 school boards to pay additional salary and restore sick leave for certain
38 injured employees.