

[First Reprint]

SENATE, No. 3284

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 14, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senators Diegnan, Cryan, Turner and Pou

SYNOPSIS

Provides for accidental death benefit if death of TPAF member and certain PERS members is caused by COVID-19.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on June 3, 2021, with amendments.



(Sponsorship Updated As Of: 6/30/2021)

1 AN ACT concerning an accidental death benefit in the Teachers'
2 Pension and Annuity Fund ¹and the Public Employees'
3 Retirement System,¹ and supplementing chapter 66 of Title 18A
4 of the New Jersey Statutes ¹and amending P.L.2020, c.54¹.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. (New section) For purposes of paragraph (1) of subsection
10 a. of N.J.S.18A:66-46, a member whose death is attributable to
11 COVID-19, complications therefrom, or the aggravation or
12 acceleration of a preexisting condition caused thereby shall be
13 deemed to have occurred as the result of an accident met in the
14 actual performance of duty at some definite time and place if:

15 the member contracted COVID-19 during the public health
16 emergency in the State declared by the Governor in Executive
17 Order No. 103 of 2020 and as extended;

18 the member dies as a result of COVID-19; and

19 the member's regular or assigned duties required the member to
20 interact, and the member so interacted, with the public, other
21 employees, students, or parents, or to directly supervise other
22 personnel so interacting with the public, other employees, students,
23 or parents, on any date during the public health emergency in the
24 State declared by the Governor in Executive Order No. 103 of 2020
25 and as extended within 14 calendar days prior to the appearance of
26 symptoms consistent with COVID-19 that shall have been
27 confirmed in writing by a licensed health care provider.

28 The filing of an accident report with the Teachers' Pension and
29 Annuity Fund shall not be required for an accidental death benefit
30 allowed pursuant to this section.

31 If a member dies during the public health emergency in the State
32 declared by the Governor in Executive Order No. 103 of 2020 and
33 as extended and a beneficiary has received approvals pursuant to a
34 provision other than this section or N.J.S.18A:66-46 prior to the
35 effective date of this act, P.L. , c. (pending before the
36 Legislature as this bill), the beneficiary may apply for a benefit
37 pursuant to this section and, if approved, the prior approvals shall
38 be rescinded and the benefit pursuant to approval under this section
39 shall be made retroactive to the date of the rescinded initial
40 approvals.

41 ¹**[**A person approved pursuant to this section to receive a benefit
42 under N.J.S.18A:66-46 shall be entitled to receive health care
43 benefits coverage for that person and any dependents through the
44 School Employees' Health Benefits Program and the full cost of the

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:

¹Senate SSG committee amendments adopted June 3, 2021.

1 premium or periodic charges for such coverage shall be paid by the
2 State for five years following the date of enrollment in the
3 program.¹

4 This section shall not apply to any member who retired and
5 subsequently returned to employment pursuant to a provision of
6 law, or pursuant to Executive Order No. 115 of 2020, permitting a
7 retired member to return to employment without reenrollment.
8

9 ¹2. Section 4 of P.L.2020, c.54 (C.43:15A-49.1) is amended to
10 read as follows:

11 4. As used in this section **[,]** :

12 “board of education” means and includes the board of education
13 of a local school district, consolidated school district, non-operating
14 school district, and the board of education of a limited purpose or
15 all purpose regional district;

16 “county college” means an educational institution established by
17 one or more counties, pursuant to chapter 64A of Title 18A of the
18 New Jersey Statutes; and

19 “law enforcement officer” includes, but shall not be limited to,
20 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 an employee of a
23 board of education, an employee of a board of trustees of a county
24 college, a law enforcement officer, firefighter, or emergency
25 medical responder and whose death is attributable to COVID-19,
26 complications therefrom, or the aggravation or acceleration of a
27 preexisting condition caused thereby shall be deemed to have
28 occurred as the result of an accident met in the actual performance
29 of duty at some definite time and place if:

30 the board of education employee, board of trustee employee, law
31 enforcement officer, firefighter, or emergency medical responder
32 contracted COVID-19 and the member's death occurs after
33 receiving a positive test result for SARS-CoV-2 during the public
34 health emergency in the State declared by the Governor in
35 Executive Order No. 103 of 2020 and as extended;

36 the board of education employee, board of trustee employee, law
37 enforcement officer, firefighter, or emergency medical responder
38 dies as a result of COVID-19; and

39 the board of education employee, board of trustee employee, law
40 enforcement officer, firefighter, or emergency medical responder's
41 regular or assigned duties required the board of education
42 employee, board of trustee employee, law enforcement officer,
43 firefighter, or emergency medical responder to interact, and the
44 board of education employee, board of trustee employee, law
45 enforcement officer, firefighter, or emergency medical responder so
46 interacted, with the public or to directly supervise other personnel
47 so interacting with the public on any date during the public health
48 emergency in the State declared by the Governor in Executive

1 Order No. 103 of 2020 and as extended and within 14 calendar days
2 prior to the appearance of symptoms consistent with COVID-19 that
3 shall have been confirmed in writing by a licensed health care
4 provider on a form approved by the board of trustees of the Public
5 Employees' Retirement System and also confirmed by a positive
6 test result for SARS-CoV-2.

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

10 If a member dies during the public health emergency in the State
11 declared by the Governor in Executive Order No. 103 of 2020 and
12 as extended and the benefit has been approved pursuant to a
13 provision other than this section or section 49 of P.L.1954, c.84
14 (C.43:15A-49) prior to the effective date of this act, P.L.2020, c.54,
15 a beneficiary may apply for a benefit pursuant to this section and, if
16 approved, the prior approval shall be rescinded and the benefit
17 pursuant to approval under this section shall be made retroactive to
18 the date of the rescinded initial approval.

19 This section shall not apply to any member who has retired and
20 subsequently returned to employment pursuant to Executive Order
21 No. 115 of 2020 or any other executive order similarly permitting a
22 retired member to return to employment without reenrollment to
23 assist during the public health emergency and state of emergency.¹
24 (cf: P.L.2020, c.54, s.4)

25

26 ¹**[2.] 3.**¹ This act shall take effect immediately and be
27 retroactive to March 9, 2020.