

32:14-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:14-4, 34:15-10 et al, 59:1-3

(Palisades Interstate Park-- volunteer workers-- provide workers comp. & tort claims act coverage)

LAWS OF: 1987

CHAPTER: 259

Bill No: S508

Sponsor(s): Cardinate

Date Introduced: Pre-filed

Committee: Assembly: Labor

Senate: Labor, Industry and Profession

Amended during passage: Yes Amendments denote by asterisks

Date of Passage: Assembly: June 25, 1987

Senate: April 7, 1987

Date of Approval: September 4, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 508

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator CARDINALE

AN ACT concerning persons participating in volunteer programs in that part of the Palisades Interstate Park located in New Jersey, amending R. S. 32:14-4, R. S. 34:15-10 *, *R. S. 34:15-43** and N. J. S. 59:1-3, and supplementing chapter 15 of Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 32:14-4 is amended to read as follows:

2 32:14-4. Palisades Interstate Park Commission shall have power
3 to appoint such employees as it may deem necessary to carry out
4 the provisions of the Palisades Interstate Park compact and the
5 purposes of this subtitle, subject to the provisions of the applicable
6 Civil Service Statute of the party states, and may employ counsel.
7 It may also determine the duties of its appointees, and make all
8 reasonable rules and regulations respecting them. The commission
9 shall have power to take any action necessary for securing and
10 maintaining the benefits of the State employee retirement system
11 of this State for its employees in this State and for such purpose
12 employees of the commission to the extent to which the compensa-
13 tion paid for their services is derived from funds appropriated by
14 this State or received from other sources in this State shall be
15 deemed to be employees of this State and qualified for membership
16 in said retirement system whether residents of this State or of the
17 State of New York. For the purpose of determining their rights
18 under the **workmen's** *workers'* compensation act of this State,
19 employees of the commission employed wholly or partly in this

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted March 6, 1986.**

20 State, and persons participating, under the supervision of the
21 commission, in volunteer programs in that part of the Palisades
22 Interstate Park located in New Jersey, shall be deemed to be
23 employees of this State.

24 Employees of the commission whose salary is paid in full from
25 funds appropriated by this State shall be deemed to be employees
26 of this State for the purpose of covering such employees under the
27 provisions of Title 11 (Civil Service) of the Revised Statutes as
28 herein provided.

29 All offices, positions or employments held by such employees on
30 the effective date of this amendatory act and so held continuously
31 for a period of not less than six months prior thereto, which can be
32 allocated to the classified service in accordance with the provisions
33 of Title 11 of the Revised Statutes, shall be so allocated under
34 appropriate titles by the Civil Service Commission and such per-
35 sons shall be recorded, without examination, as having been perma-
36 nently appointed thereto as of the dates of their respective original
37 appointments by the commission under said titles and shall there-
38 after be under and subject to all provisions of Title 11 relating to
39 the classified service of the civil service. Those positions which the
40 Civil Service Commission shall determine should be allocated to
41 the unclassified service, shall be allocated to the unclassified service.

42 In the case of any such employees whose positions have been
43 classified and allocated by the Civil Service Commission to a salary
44 range corresponding to a range in the State compensation plan to
45 which range positions having the same title in the service of the
46 State, if any, are allocated and whose salaries in such range have
47 been determined in accordance with the provisions of Title 11, the
48 salaries of such employees upon being placed in allocated positions
49 in the service of the State shall, with the approval of the budget
50 director, be determined in the same manner as though they had been
51 holding allocated positions in the service of the State. Other em-
52 ployees deemed to be employees of the State shall continue to be
53 paid the salaries received by them immediately prior to the effec-
54 tive date of this act, but the salary of any such employee shall not
55 be less than the minimum salary of the State salary range in which
56 his position is allocated nor in excess of the maximum salary of such
57 range.

58 The Civil Service Commission shall make provisions for transfer
59 of all employees' sick and vacation leave as well as seniority credits
60 accrued prior to allocation of their positions to the classified
61 service.

1 2. R. S. 34:15-10 is amended to read as follows:

2 34:15-10. In the employment of minors, this article shall be pre-
3 sumed to apply unless the notice be given by or to the parent or
4 guardian of the minor. If the injured employee at the time of the
5 accident or compensable occupational disease is a minor under 14
6 years of age employed in violation of the labor law or a minor
7 between 14 and 18 years of age employed, permitted or suffered to
8 work without an employment certificate or special permit if re-
9 quired by law or at an occupation prohibited at the minor's age by
10 law, a compensation or death benefit shall be payable to the em-
11 ployee or his dependents which shall be double the amount payable
12 under the schedules provided in [sections] R. S. 34:15-12 and
13 R. S. 34:15-13 [of this Title].

14 The possession of such duly issued employment certificates shall
15 be conclusive evidence for an employer that the minor has reached
16 the age certified to therein and no extra compensation shall be
17 payable to any minor engaged in an employment allowed by the law
18 for the age and sex certified to in such certificate. If the certificate
19 presented by the employee as one issued to that person shall have
20 been really issued to another child and the real age of the employee
21 shall be such that employment in any capacity or in the particular
22 capacity the employee was employed by the employer was pro-
23 hibited and if the employer shall show to the satisfaction of the
24 Division of Workers' Compensation that the employer accepted the
25 certificate in good faith as having been issued to the employee and
26 could not have, despite reasonable diligence, discovered the fraud,
27 in such event no extra compensation shall be paid to the employee
28 illegally employed.

29 The employer alone and not the insurance carrier shall be liable
30 for the extra compensation or death benefit which is over and above
31 the amount of the compensation or death benefit provided under
32 [said sections] R. S. 34:15-12 or R. S. 34:15-13. Any provision in
33 an insurance policy undertaking to relieve an employer from the
34 liability for the extra compensation or extra death benefit shall be
35 void.

36 Nothing in this chapter contained shall deprive an infant under
37 the age of 18 years of the right or rights now existing to recover
38 damages in a common law or other appropriate action or proceed-
39 ing for injuries received by reason of the negligence of his or her
40 master.

41 Nothing in this section regarding the payment of a compensa-
42 tion or death benefit in double the amount payable under the sched-

43 ules provided in [sections] R. S. 34:15-12 and R. S. 34:15-13 [of
 44 this Title] shall apply to: members of a junior firemen's auxiliary
 45 established pursuant to [chapter 309 of the laws of 1958] P. L.
 46 1968, c. 309 (C. 40:47-30.6 et seq.) [or to]; employees, of the age of
 47 18 years or under, employed in summer camps operated by the
 48 Boy Scouts of America, the Girl Scouts of America, the Knights of
 49 Columbus, the Young Men's Christian Association, the Young
 50 Women's Christian Association, the Young Men's Hebrew Associa-
 51 tion, or any domestic corporation organized solely for religious or
 52 charitable purposes[, or] ; student-learners employed in a coopera-
 53 tive vocational education program approved by the State Board of
 54 Education; or persons, 18 years of age or younger, participating,
 55 under the supervision of the Palisades Interstate Park Commission,
 56 in volunteer programs in that part of the Palisades Interstate Park
 57 located in New Jersey.

1 *3. R. S. 34:15-43 is amended to read as follows:

2 34:15-43. Every officer, appointed or elected, and every employee
 3 of the State, county, municipality or any board or commission, or
 4 any other governing body, including boards of education, and
 5 governing bodies of service districts, *individuals who are under the*
 6 *general supervision of the Palisades Interstate Park Commission*
 7 *and who work in that part of the Palisades Interstate Park which*
 8 *is located in this State*, and also each and every member of a volun-
 9 teer fire company doing public fire duty and also each and every
 10 active volunteer, first aid or rescue squad worker, including each
 11 and every authorized worker who is not a member of the volunteer
 12 fire company within which the first aid or rescue squad may have
 13 been created, doing public first aid or rescue duty under the con-
 14 trol or supervision of any commission, council, or any other gov-
 15 erning body of any municipality, any board of fire commissioners
 16 of such municipality or of any fire district within the State, or of
 17 the board of managers of any State institution, every county fire
 18 marshal and assistant county fire marshal and every special, re-
 19 serve or auxiliary policeman doing volunteer public police duty
 20 under the control or supervision of any commission, council or any
 21 other governing body of any municipality, who may be injured in
 22 line of duty shall be compensated under and by virtue of the pro-
 23 visions of this article and article 2 of this chapter ([sections] R. S.
 24 34:15-7 et seq.). No former employee who has been retired on
 25 pension by reason of injury or disability shall be entitled under this
 26 section to compensation for such injury or disability; provided,
 27 however, that such employee, despite retirement, shall, nevertheless,

28 be entitled to the medical, surgical and other treatment and
29 hospital services as set forth in R. S. 34:15-15.

30 As used in this section, the terms "doing public fire duty" and
31 "who may be injured in line of duty," as applied to members of
32 volunteer fire companies, county fire marshals or assistant county
33 fire marshals, and the term "doing public first aid or rescue duty,"
34 as applied to active volunteer first aid or rescue squad workers, shall
35 be deemed to include participation in any authorized construction;
36 installation, alteration, maintenance or repair work upon the
37 premises, apparatus or other equipment owned or used by the fire
38 company or the first aid or rescue squad, participation in any
39 authorized public drill, showing, exhibition, fund raising activity
40 or parade, and to include also the rendering of assistance in case
41 of fire and, when authorized, in connection with other events affect-
42 ing the public health or safety, in any political subdivision or ter-
43 ritory of another State of the United States or on property ceded
44 to the federal government while such assistance is being rendered
45 and while going to and returning from the place in which it is
46 rendered.

47 Also, as used in this section, "doing public police duty" and "who
48 may be injured in line of duty" as applied to special, reserve or
49 auxiliary policemen, shall be deemed to include participation in
50 any authorized public drill, showing, exhibition or parade, and to
51 include also the rendering of assistance in connection with other
52 events affecting the public health or safety in the municipality,
53 and also, when authorized, in connection with any such events in
54 any political subdivision or territory of this or any other State of
55 the United States or on property ceded to the federal government
56 while such assistance is being rendered and while going to and
57 returning from the place in which it is rendered.

58 Every member of a volunteer fire company shall be deemed to be
59 doing public fire duty under the control or supervision of any such
60 commission, council, governing body, board of fire commissioners or
61 fire district or board of managers of any State institution within the
62 meaning of this section, if such control or supervision is provided
63 for by statute or by rule or regulation of the board of managers or
64 the superintendent of such State institution, or if the fire company
65 of which he is a member receives contributions from, or a sub-
66 stantial part of its expenses or equipment are paid for by, the
67 municipality, or board of fire commissioners of the fire district or
68 if such fire company has been or hereafter shall be designated by
69 ordinance as the fire department of the municipality.

70 Every active volunteer, first aid or rescue squad worker, includ-
 71 ing every authorized worker who is not a member of the volunteer
 72 fire company within which the first aid or rescue squad may have
 73 been created, shall be deemed to be doing public first aid or rescue
 74 duty under the control or supervision of any such commission,
 75 council, governing body, board of fire commissioners or fire district
 76 within the meaning of this section if such control or supervision is
 77 provided for by statute, or if the first aid or rescue squad of which
 78 he is a member or authorized worker receives or is eligible to
 79 receive contributions from, or a substantial part of its expenses or
 80 equipment are paid for by, the municipality, or board of fire com-
 81 missioners of the fire district, or if such first aid or rescue squad
 82 has been or hereafter shall be designated by ordinance as the first
 83 aid or rescue squad of the municipality.

84 As used in this section and in section 34:15-74 of this chapter, the
 85 term "authorized worker" shall mean and include, in addition to
 86 an active volunteer fireman and an active volunteer first aid or
 87 rescue squad worker, any person performing any public fire duty or
 88 public first aid or rescue squad duty, as the same are defined in this
 89 section, at the request of the chief or acting chief of a fire company
 90 or the president or person in charge of a first aid or rescue squad
 91 for the time being.

92 Nothing herein contained shall be construed as affecting or chang-
 93 ing in any way the provisions of any statute providing for sick,
 94 disability, vacation or other leave for public employees or any pro-
 95 vision of any retirement or pension fund provided by law.*

1 ***[3.]*** *4.* (New section) A person participating under the super-
 2 vision of the Palisades Interstate Park Commission, in a volunteer
 3 program in that part of the Palisades Interstate Park located in
 4 New Jersey, who is deemed to be an employee of this State under
 5 R. S. 32:14-4 for the purpose of receiving workers' compensation
 6 coverage, is eligible for compensation for injury or death, or both,
 7 under chapter 15 of Title 34 of the Revised Statutes, based upon
 8 a weekly salary or compensation conclusively presumed to be
 9 received by this person in an amount sufficient to entitle him, or,
 10 in the event of his death, his dependents, to receive the maximum
 11 compensation available under chapter 15 of Title 34 of the Revised
 12 Statutes.

1 ***[4.]*** *5.* N. J. S. 59:1-3 is amended to read as follows:

2 59:1-3. Definitions. As used in this subtitle:

3 "Employee" includes an officer, employee, or servant, whether
 4 or not compensated or part-time, who is authorized to perform any

5 act or service; provided, however, that the term does not include
6 an independent contractor.

7 "Employment" includes office **[,]** ; position **[or]** ; employment;
8 *or service, under the supervision of the Palisades Interstate Park*
9 *Commission, in a volunteer program in that part of the Palisades*
10 *Interstate Park located in New Jersey.*

11 "Enactment" includes a constitutional provision, statute, ex-
12 ecutive order, ordinance, resolution or regulation.

13 "Injury" means death, injury to a person, damage to or loss of
14 property or any other injury that a person may suffer that would
15 be actionable if inflicted by a private person.

16 "Law" includes enactments and also the decisional law **[applicable]**
17 *applicable* within this State as determined and declared from
18 time to time by the courts of this State and of the United States.

19 "Public employee" means an employee of a public entity, *and*
20 *includes a person participating, under the supervision of the*
21 *Palisades Interstate Park Commission, in a volunteer program in*
22 *that part of the Palisades Interstate Park located in New Jersey.*

23 "Public entity" includes the State, and any county, municipality,
24 district, public authority, public agency, and any other political
25 subdivision or public body in the State.

26 "State" shall mean the State and any office, department, divi-
27 sion, bureau, board, commission or agency of the State, but shall
28 not include any such entity which is statutorily authorized to sue
29 and be sued. "State" also means the Palisades Interstate Park
30 Commission, but only with respect to employees, property and
31 activities within the State of New Jersey.

32 "Statute" means an act adopted by the Legislature of this State
33 or by the Congress of the United States.

1 ***[5.]*** *6.* This act shall take effect immediately.

WORKERS' AND UNEMPLOYMENT COMPENSATION

Provides volunteers in the Palisades Interstate Park in New Jersey
with Workers' Compensation coverage and coverage under the Tort
Claims Act.

17 ble] applicable within this State as determined and declared from
18 time to time by the courts of this State and of the United States.

19 "Public employee" means an employee of a public entity, and
20 includes a person participating, under the supervision of the
21 Palisades Interstate Park Commission, in a volunteer program in
22 that part of the Palisades Interstate Park located in New Jersey.

23 "Public entity" includes the State, and any county, municipality,
24 district, public authority, public agency, and any other political
25 subdivision or public body in the State.

26 "State" shall mean the State and any office, department, divi-
27 sion, bureau, board, commission or agency of the State, but shall
28 not include any such entity which is statutorily authorized to sue
29 and be sued. "State" also means the Palisades Interstate Park
30 Commission, but only with respect to employees, property and
31 activities within the State of New Jersey.

32 "Statute" means an act adopted by the Legislature of this State
33 or by the Congress of the United States.

1 5. This act shall take effect immediately.

STATEMENT

This bill would provide volunteers in that part of the Palisades Interstate Park which is located in this State with worker's compensation coverage and protection under the "New Jersey Tort Claims Act," N. J. S. 59:1-1 et seq. Volunteers on the New Jersey side of the park would then be entitled to protection similar to that enjoyed by volunteers on the New York side of the park.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE, No. 508

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: OCTOBER 2, 1986

The Assembly Labor Committee reports favorably Senate Bill No. 508 (OCR).

This bill provides workers' compensation coverage for volunteer workers at Palisades Interstate Park. To be eligible for this coverage, volunteers must serve under the supervision of the Palisades Interstate Park Commission and work in the part of Palisades Interstate Park located in this State.

Volunteers who are compensated under the provisions of this bill will receive the maximum level of benefits, regardless of their weekly salary rate in regular employment. However, an injured or deceased volunteer who is 18 years of age or younger and whose injury or death is subject to double compensation under the State's workers' compensation law would receive only the amount of compensation provided by the schedules provided in that law.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 508

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

This bill would provide volunteers, who are under the supervision of the Palisades Interstate Park Commission and who work in that part of the Palisades Interstate Park which is located in this State, with workers' compensation coverage and protection under the "New Jersey Tort Claims Act." These volunteers would be deemed to receive a salary that would allow them to receive the maximum workers' compensation benefits. However, the payment of a compensation or death benefit in double the amount for certain minors under the law would not apply to those Palisades volunteers who are 18 years of age or younger.

The committee made a technical amendment to the bill to include a reference to these volunteers in the workers' compensation law.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
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TRENTON, N.J. 08625

Release: FRI., SEPT. 4, 1987

Governor Thomas H. Kean today signed the following legislation:

S-508, sponsored by Senator Gerald Cardinale, R-Bergen, requires volunteers working in the New Jersey portion of the Palisades Interstate Park to be provided with workers' compensation benefits under the Workers' Compensation law.

Volunteers in the Park function as nature guides, conduct anti-litter and cleanup campaigns among other duties, and this legislation is designed to encourage volunteerism by assuring that injuries sustained while working in the park will be compensated.

The legislation further includes these volunteers within the definition of public employees under the Tort Claims Act.

The legislation is effective immediately.

A-4106, sponsored by Assemblywoman Claire Farragher, R-Monmouth and Assemblywoman Lisa Randall, R-Bergen, permits a municipal parking authority to employ special police officers to perform the duties of parking officers.

The legislation is effective immediately.

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