

SENATE, No. 244

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator JACK SINAGRA

District 18 (Middlesex)

SYNOPSIS

Concerns payment of temporary disability payments and workers' compensation settlements for the same injury or illness.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S244 KYRILLOS, SINAGRA

2

1 AN ACT concerning certain temporary disability insurance benefits and
2 amending P.L.1948, c.110.

3

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

6

7 1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read
8 as follows:

9 6. Nonduplication of benefits. No benefits shall be required or paid
10 under this act for any period with respect to which benefits are paid or
11 payable under any unemployment compensation or similar law, or
12 under any disability or cash sickness benefit or similar law, of this
13 State or of any other state or of the federal government. Nor shall any
14 benefits be required or paid under this act for any period with respect
15 to which benefits, other than benefits for permanent partial or
16 permanent total disability previously incurred, are paid or payable on
17 account of the disability of the covered individual under any
18 **[workmen's] workers'** compensation law, occupational disease law, or
19 similar legislation, of this State or of any other state or the federal
20 government. Where a claimant's claim for compensation for temporary
21 disability, under the provisions of **[subparagraph] subsection a.** of
22 **[section] R.S.34:15-12 [of the Revised Statutes]**, is contested, and
23 thereby delayed, and such claimant is otherwise eligible for benefits
24 under this chapter, said claimant shall be paid the benefits provided by
25 this chapter until and unless said claimant receives compensation under
26 the provisions of **[subparagraph] subsection a.** of **[section]**
27 **R.S.34:15-12 [of the Revised Statutes]**. In the event that **[workmen's]**
28 **workers'** compensation benefits, other than benefits for permanent
29 partial or permanent total disability previously incurred, are
30 subsequently awarded for weeks with respect to which the claimant
31 has received disability benefits pursuant to this act, the State fund, or
32 the private plan, as the case may be, shall be entitled to be subrogated
33 to such claimant's rights in such award to the extent of the amount of
34 disability payments made hereunder. Disability benefits otherwise
35 required hereunder shall be reduced by the amount paid concurrently
36 under any governmental or private retirement, pension or permanent
37 disability benefit or allowance program to which his most recent
38 employer contributed on his behalf. If there has been a settlement of
39 a workers' compensation claim pursuant to R.S.34:15-20 in an amount
40 less than that to which the claimant would otherwise be entitled as
41 disability benefits under the "Temporary Disability Benefits Law,"
42 P.L.1948, c.110 (C.43:21-25 et seq.), for the same illness or injury,
43 the claimant shall be entitled to disability benefits for the period of

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 disability, reduced by the amount from the settlement received by the
2 claimant under R.S.34:15-20.

3 (cf: P.L.1967, c.306, s.1)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill allows injured workers who have received workers'
11 compensation settlements pursuant to R.S.34:15-20 to also receive
12 benefits under the "Temporary Disability Benefits Law" for the same
13 illness or injury, except that those disability payments shall be reduced
14 by the amount of the workers' compensation settlement.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 244

STATE OF NEW JERSEY

DATED: JANUARY 31, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 244.

This bill allows injured workers who have received workers' compensation settlements pursuant to R.S.34:15-20 to also receive benefits under the "Temporary Disability Benefits Law" for the same illness or injury, except that those disability payments shall be reduced by the amount of the workers' compensation settlement.

This bill was pre-filed for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE, No. 244

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2000

The Assembly Labor Committee reports favorably Senate Bill No. 244.

This bill allows injured workers who have received workers' compensation settlements pursuant to R.S.34:15-20 to also receive benefits under the "Temporary Disability Benefits Law" for the same illness or injury, except that those disability payments shall be reduced by the amount of the workers' compensation settlement.

SENATE, No. 244

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.
District 13 (Middlesex and Monmouth)
Senator JACK SINAGRA
District 18 (Middlesex)

Co-Sponsored by:

Senators Allen, O'Connor, Assemblymen Geist and Thompson

SYNOPSIS

Concerns payment of temporary disability payments and workers' compensation settlements for the same injury or illness.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee with technical review.



(Sponsorship Updated As Of: 6/30/2000)

S244 KYRILLOS, SINAGRA

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2 amending P.L.1948, c.110.

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14 benefits be required or paid under this act for any period with respect
15 to which benefits, other than benefits for permanent partial or
16 permanent total disability previously incurred, are paid or payable on
17 account of the disability of the covered individual under any
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19 similar legislation, of this State or of any other state or the federal
20 government. Where a claimant's claim for compensation for temporary
21 disability, under the provisions of **[subparagraph] subsection a.** of
22 **[section] R.S.34:15-12 [of the Revised Statutes]**, is contested, and
23 thereby delayed, and such claimant is otherwise eligible for benefits
24 under this chapter, said claimant shall be paid the benefits provided by
25 this chapter until and unless said claimant receives compensation under
26 the provisions of **[subparagraph] subsection a.** of **[section]**
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31 has received disability benefits pursuant to this act, the State fund, or
32 the private plan, as the case may be, shall be entitled to be subrogated
33 to such claimant's rights in such award to the extent of the amount of
34 disability payments made hereunder. Disability benefits otherwise
35 required hereunder shall be reduced by the amount paid concurrently
36 under any governmental or private retirement, pension or permanent
37 disability benefit or allowance program to which his most recent
38 employer contributed on his behalf. If there has been a settlement of
39 a workers' compensation claim pursuant to R.S.34:15-20 in an amount
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S244 KYRILLOS, SINAGRA

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1 the claimant shall be entitled to disability benefits for the period of
2 disability, reduced by the amount from the settlement received by the
3 claimant under R.S.34:15-20.

4 (cf: P.L.1967, c.306, s.1)

5

6 2. This act shall take effect immediately.

FISCAL NOTE
SENATE, No. 244
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JULY 18, 2000

SUMMARY

Synopsis: Concerns payment of temporary disability payments and workers' compensation settlements for the same injury or illness.

Type of Impact: Minimal Expenditure Increase, State Disability Benefits Fund.

Agencies Affected: Department of Labor, Division of Unemployment and Temporary Disability Insurance. (TDI)

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Minimal impact -- See comments below.		

! The Department of Labor states that of the less than 1,000 workers' compensation cases settled under R.S.34:15-20 department data indicates that in only a small fraction of these settlements would the TDI benefit amount exceed the amount of the workers' compensation settlement, and therefore, lead to any increase in cost to the State TDI Fund.

BILL DESCRIPTION

Senate Bill No. 244 of 2000 allows injured workers who have received workers' compensation settlements, voluntary lump sum settlements under R.S.34:15-20, to also receive benefits under the "Temporary Disability Benefits Law" for the same illness or injury, except that those disability payments shall be reduced by the amount of the workers' compensation settlement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Based on information provided informally the department indicated that this legislation is anticipated to have a minimal impact upon the State Disability Benefit Fund, because in only a

small fraction of these settlements would the TDI amount exceed the amount of the workers compensation settlement leading to an increase in cost to the State TDI Fund. The department also indicates that this legislation would have no impact on the General Fund; and the department would not incur any additional administrative costs.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate.

Section: *Commerce, Labor and Industry*

Analyst: *Kristen A. Calderon*
Assistant Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

P.L. 2000, CHAPTER 105, *approved September 8, 2000*
Senate, No. 244

1 AN ACT concerning certain temporary disability insurance benefits and
2 amending P.L.1948, c.110.

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40 less than that to which the claimant would otherwise be entitled as
41 disability benefits under the "Temporary Disability Benefits Law,"

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1 P.L.1948, c.110 (C.43:21-25 et seq.), for the same illness or injury,
2 the claimant shall be entitled to disability benefits for the period of
3 disability, reduced by the amount from the settlement received by the
4 claimant under R.S.34:15-20.

5 (cf: P.L.1967, c.306, s.1)

6

7 2. This act shall take effect immediately.

8

9

10

11

12 Concerns payment of temporary disability payments and workers'
13 compensation settlements for the same injury or illness.

CHAPTER 105

AN ACT concerning certain temporary disability insurance benefits and amending P.L.1948, c.110.

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

1. Section 6 of P.L.1948, c.110 (C.43:21-30) is amended to read as follows:

C.43:21-30 Nonduplication of benefits.

6. Nonduplication of benefits. No benefits shall be required or paid under this act for any period with respect to which benefits are paid or payable under any unemployment compensation or similar law, or under any disability or cash sickness benefit or similar law, of this State or of any other state or of the federal government. Nor shall any benefits be required or paid under this act for any period with respect to which benefits, other than benefits for permanent partial or permanent total disability previously incurred, are paid or payable on account of the disability of the covered individual under any workers' compensation law, occupational disease law, or similar legislation, of this State or of any other state or the federal government. Where a claimant's claim for compensation for temporary disability, under the provisions of subsection a. of R.S.34:15-12, is contested, and thereby delayed, and such claimant is otherwise eligible for benefits under this chapter, said claimant shall be paid the benefits provided by this chapter until and unless said claimant receives compensation under the provisions of subsection a. of R.S.34:15-12. In the event that workers' compensation benefits, other than benefits for permanent partial or permanent total disability previously incurred, are subsequently awarded for weeks with respect to which the claimant has received disability benefits pursuant to this act, the State fund, or the private plan, as the case may be, shall be entitled to be subrogated to such claimant's rights in such award to the extent of the amount of disability payments made hereunder. Disability benefits otherwise required hereunder shall be reduced by the amount paid concurrently under any governmental or private retirement, pension or permanent disability benefit or allowance program to which his most recent employer contributed on his behalf. If there has been a settlement of a workers' compensation claim pursuant to R.S.34:15-20 in an amount less than that to which the claimant would otherwise be entitled as disability benefits under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), for the same illness or injury, the claimant shall be entitled to disability benefits for the period of disability, reduced by the amount from the settlement received by the claimant under R.S.34:15-20.

2. This act shall take effect immediately.

Approved September 8, 2000.