

43:21-27

LEGISLATIVE HISTORY CHECKLIST

(State Police --Temporary Disability benefits law -- exclude from coverage)

NJSA 43:21-27

LAWS 1981

CHAPTER 349

Bill No. A3337

Sponsor(s) Jackman and others

Date Introduced April 27, 1981

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes No

Date of Passage: Assembly June 11, 1981

Senate Dec. 10, 1981

Date of approval Dec. 22, 1981

Following statements are attached if available:

Sponsor statement Yes No (Below)

Committee Statement: Assembly Yes No (not attached since identical to sponsors' statement)

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsors' statement:

The purpose of this bill is to exclude members of the Division of State Police from coverage under the "Temporary Disability Benefits Law," the provisions of which are duplicative of benefits already provided to them. Currently, each member annually pays under that law \$35.00 for benefits which he never receives.

ASSEMBLY, No. 3337

STATE OF NEW JERSEY

INTRODUCED APRIL 27, 1981

By Assemblymen JACKMAN, COWAN, McMANIMON, JANISZEWSKI, KAVANAUGH, VISOTCKY, T. GALLO, ZANGARI, DORIA, BORNHEIMER, DEVERIN, STOCKMAN, SMITH, KARCHER, PATERO, THOMPSON, HURLEY and CODEY

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning members of the Division of State Police and amending the "Temporary Disability Benefits Law," approved June 1, 1948 (P. L. 1948, c. 110).

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

1 1. Section 3 of P. L. 1948, c. 110 (C. 43:21-27) is amended to
2 read as follows:

3 3. As used in this act, unless the context clearly requires
4 otherwise:

5 (a) (1) "Covered employer" means any individual or type of
6 organization, including any partnership, association, trust, estate,
7 joint-stock company, insurance company or corporation, whether
8 domestic or foreign, or the receiver, trustee in bankruptcy, trustee
9 or successor thereof, or the legal representative of a deceased per-
10 son, who is an employer subject to the chapter to which this act is
11 a supplement, designated as the Unemployment Compensation Law
12 (R. S. 43:21-1 et seq.), except the State, its political subdivisions,
13 and any instrumentality of the State unless **[(i)]** such govern-
14 mental entity elects to become a covered employer under the Tem-
15 porary Disability Benefits Law; provided, however, that commenc-
16 ing with the effective date of this act the State of New Jersey,
17 including Rutgers, The State University, the College of Medicine
18 and Dentistry of New Jersey and the New Jersey Institute of
19 Technology, shall be deemed a covered employer, as defined herein.

20 (2) Any governmental entity or instrumentality which is an
21 employer under R. S. 43:21-19(h)(5) may elect to become a
22 "covered employer" under this subsection beginning with the date
23 on which its coverage under subsection 19(h)(5) begins or as of

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

24 January 1 of any year thereafter by filing written notice of such
25 election with the division within at least 30 days of the effective
26 date. Such election shall remain in effect for at least 2 full calendar
27 years and may be terminated as of January 1 of any year there-
28 after by filing with the division a written notice of termination at
29 least 30 days prior to the termination date.

30 (b) "Covered individual" means any person who is in employ-
31 ment, as defined in the chapter to which this act is a supplement,
32 for which he is entitled to remuneration from a covered employer,
33 or who has been out of such employment for less than 2 weeks.
34 However, a "covered individual" who is employed by the State
35 of New Jersey, including Rutgers, The State University, the Col-
36 lege of Medicine and Dentistry of New Jersey and the New Jersey
37 Institute of Technology, or by any governmental entity or instru-
38 mentality which elects to becoming a "covered employer" pursuant
39 to this amendatory act, shall not be eligible to receive any benefits
40 under the Temporary Disability Benefits Law until such individual
41 has exhausted all sick leave accumulated as an employee in the
42 classified service of the State or accumulated under terms and con-
43 ditions similar to classified employees or accumulated under the
44 terms and conditions pursuant to the laws of this State or as the
45 result of a negotiated contract with any governmental entity or
46 instrumentality which elects to become a "covered employer."

47 *"Covered individual" shall not mean any member of the Division*
48 *of State Police in the Department of Law and Public Safety.*

49 (c) "Division" or "commission" means the Division of Unem-
50 ployment and Temporary Disability Insurance of the Department
51 of Labor **[and Industry]**, and any transaction or exercise of au-
52 thority by the director of the division shall be deemed to be per-
53 formed by the division.

54 (d) "Day" shall mean a full calendar day beginning and ending
55 at midnight.

56 (e) "Disability" shall mean such disability as is compensable
57 under section 5 of this act.

58 (f) "Disability benefits" shall mean any cash payments which are
59 payable to a covered individual pursuant to this act.

60 (g) "Period of disability" with respect to any individual shall
61 mean the entire period of time, during which he is continuously and
62 totally unable to perform the duties of his employment, except that
63 two periods of disability due to the same or related cause or condi-
64 tion and separated by a period of not more than 14 days shall be
65 considered as one continuous period of disability; provided, the

66 individual has earned wages during such 14-day period with the
67 employer who was his last employer immediately preceding the first
68 period of disability.

69 (h) "Wages" shall mean all compensation payable by covered
70 employers to covered individuals for personal services, including
71 commissions and bonuses and the cash value of all compensation
72 payable in any medium other than cash.

73 (i) "Base week" means any calendar week during which an in-
74 dividual earned not less than \$15.00 from a covered employer, in
75 employment as defined in the chapter to which this act is a supple-
76 ment.

77 (j) "Average weekly wage" means the amount derived by divid-
78 ing a covered individual's total wages earned from his most recent
79 covered employer during the base weeks in the 8 calendar weeks
80 immediately preceding the calendar week in which disability com-
81 menced, by the number of such base weeks. If this computation
82 yields a result which is less than the individual's average weekly
83 earnings in employment, as defined in the chapter to which this act
84 is a supplement, with all covered employers during the basic weeks
85 in such 8 calendar weeks, then the average weekly wage shall be
86 computed on the basis of earnings from all covered employers
87 during the 8 base weeks immediately preceding the week in which
88 the disability commenced.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to exclude members of the Division of State Police from coverage under the "Temporary Disability Benefits Law," the provisions of which are duplicative of benefits already provided to them. Currently, each member annually pays under that law \$35.00 for benefits which he never receives.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3337

STATE OF NEW JERSEY

DATED: MAY 14, 1981

The purpose of this bill is to exclude members of the Division of State Police from coverage under the "Temporary Disability Benefits Law," the provisions of which are duplicative of benefits already provided to them. Currently, each member annually pays under the law \$35.00 for benefits which he never receives.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3337

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1981

This bill would exclude members of the Division of State Police from coverage under the "Temporary Disability Benefits Law," the provisions of which are duplicative of benefits already provided to them. The result is that each member annually pays \$35.00 for benefits which are not received. The intent of the legislation is to eliminate coverage for State Police members who were appointed pursuant to the provisions of Title 53 of the Revised Statutes. It is not intended to effect the status of clerical or other employees of the Division of State Police.

The State Trooper's N.C.O. Association of New Jersey supports the bill.

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A-3337, sponsored by Assemblyman Christopher J. Jackman (D-Hudson) that excludes members of the Division of the State Police from coverage under the "Temporary Disability Benefits Law."

That law provides benefits to workers for non-occupational disabilities which are not covered by workers' compensation.

A worker does not receive temporary disability benefits until he has exhausted his sick leave. However, sworn State Police officers receive unlimited sick leave and, consequently, they pay \$35 for a benefit they never receive.

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