

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2019, CHAPTER 157, *approved July 8, 2019*
Assembly, No. 4882 (*Third Reprint*)

1 AN ACT concerning the accidental disability retirement allowance
2 for members of the Police and Firemen’s Retirement System
3 ²[and],² ¹the State Police Retirement System ²[and¹] , and the
4 Public Employees' Retirement System and² amending P.L.1944,
5 c.255 ²[¹and],² P.L.1965, c. 89¹ ², and P.L.1954, c.84².

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

9
10 ²1. This act, P.L. , c. , shall be known and may be cited as
11 “The Bill Ricci World Trade Center Rescue, Recovery, and Cleanup
12 Operations Act.”²

13
14 ²[1.] ² Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended
15 to read as follows:

16 7. a. (1) Upon the written application by a member in service,
17 by one acting in his behalf or by his employer any member may be
18 retired on an accidental disability retirement allowance; provided,
19 that the medical board, after a medical examination of such
20 member, shall certify that the member is permanently and totally
21 disabled as a direct result of a traumatic event occurring during and
22 as a result of the performance of his regular or assigned duties and
23 that such disability was not the result of the member's willful
24 negligence and that such member is mentally or physically
25 incapacitated for the performance of his usual duty and of any other
26 available duty in the department which his employer is willing to
27 assign to him. The application to accomplish such retirement must
28 be filed within five years of the original traumatic event, but the
29 board of trustees may consider an application filed after the five-
30 year period if it can be factually demonstrated to the satisfaction of
31 the board of trustees that the disability is due to the accident and the
32 filing was not accomplished within the five-year period due to a
33 delayed manifestation of the disability or to other circumstances
34 beyond the control of the member.

35 (2) Upon retirement for accidental disability, a member shall
36 receive an accidental disability retirement allowance which shall
37 consist of:

38 (a) An annuity which shall be the actuarial equivalent of his
39 aggregate contributions and

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:

¹Assembly AHS committee amendments adopted March 11, 2019.

²Senate SSG committee amendments adopted June 6, 2019.

³Senate SBA committee amendments adopted June 17, 2019.

1 (b) A pension in the amount which, when added to the member's
2 annuity, will provide a total retirement allowance of 2/3 of the
3 member's actual annual compensation for which contributions were
4 being made at the time of the occurrence of the accident or at the
5 time of the member's retirement, whichever provides the largest
6 possible benefit to the member.

7 (3) Upon receipt of proper proofs of the death of a member who
8 has retired on accidental disability retirement allowance, there shall
9 be paid to such member's beneficiary, an amount equal to 3 1/2
10 times the compensation upon which contributions by the member to
11 the annuity savings fund were based in the last year of creditable
12 service; provided, however, that if such death shall occur after the
13 member shall have attained 55 years of age the amount payable
14 shall equal 1/2 of such compensation instead of 3 1/2 times such
15 compensation.

16 (4) Permanent and total disability resulting from a
17 cardiovascular, pulmonary or musculo-skeletal condition which was
18 not a direct result of a traumatic event occurring in the performance
19 of duty shall be deemed an ordinary disability.

20 b. (1) For purposes of this subsection:

21 “Qualifying condition or impairment of health” includes:

22 diseases of the upper respiratory tract and mucosae, including
23 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
24 laryngitis, vocal cord disease, upper airway hyper-reactivity and
25 tracheo-bronchitis, or a combination of such conditions;

26 diseases of the lower respiratory tract, including but not limited
27 to bronchitis, asthma, reactive airway dysfunction syndrome, and
28 different types of pneumonitis, such as hypersensitivity,
29 granulomatous, or eosinophilic;

30 diseases of the gastroesophageal tract, including esophagitis and
31 reflux disease, either acute or chronic, caused by exposure or
32 aggravated by exposure;

33 diseases of the psychological axis, including post-traumatic
34 stress disorder, anxiety, depression, or any combination of such
35 conditions;

36 diseases of the skin such as contact dermatitis or burns, either
37 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
38 non-specific reactive in nature, caused by exposure or aggravated
39 by exposure; and

40 new onset diseases resulting from exposure as such diseases
41 occurring in the future including cancer, chronic obstructive
42 pulmonary disease, asbestos-related disease, heavy metal poisoning,
43 musculoskeletal disease and chronic psychological disease.

44 “World Trade Center rescue, recovery, or cleanup operations”
45 means the rescue, recovery, or cleanup operations at the World
46 Trade Center site between September 11, 2001 and October 11,
47 2001.

1 “World Trade Center site” means any location below a line
2 starting from the Hudson River and Canal Street, east on Canal
3 Street to Pike Street, south on Pike Street to the East River, and
4 extending to the lower tip of Manhattan.

5 (2) Notwithstanding any provision of subsection a. of this
6 section or any other law to the contrary, for a member who
7 participated, whether or not under orders or instruction by an
8 employer to so participate, in World Trade Center rescue, recovery,
9 or cleanup operations for a minimum of eight hours, permanent and
10 total disability resulting from a qualifying condition or impairment
11 of health shall be presumed to have occurred during and as a result
12 of the performance of the member’s regular or assigned duties and
13 not the result of the member’s willful negligence, unless the
14 contrary can be proved by competent evidence.

15 A member who did not participate in such operations for a
16 minimum of eight hours shall be eligible for the presumption
17 provided that:

18 the member participated in the rescue, recovery, or cleanup
19 operations at the World Trade Center site between September 11,
20 2001 and September 12, 2001;

21 the member sustained a documented physical injury at the World
22 Trade Center site between September 11, 2001 and September 12,
23 2001 that is a qualifying condition or impairment of health resulting
24 in a disability to the member that prevented the member from
25 continuing to participate in World Trade Center rescue, recovery, or
26 cleanup operations for a minimum of eight hours; and

27 the documented physical injury that resulted in a disability to the
28 member that prevented the member from continuing to participate
29 in World Trade Center rescue, recovery, or cleanup operations for a
30 minimum of eight hours is the qualifying condition or impairment
31 of health for which the member seeks a presumption under this
32 subsection.

33 In order to be eligible for the presumption provided under this
34 subsection, a member shall have successfully passed a physical
35 examination for entry into public service which failed to disclose
36 evidence of the qualifying condition or impairment of health that
37 formed the basis for the permanent and total disability.

38 (3) A member who participated in the World Trade Center
39 rescue, recovery, or cleanup operations ¹for¹ a minimum of eight
40 hours and subsequently retired on a service retirement or an
41 ordinary disability retirement and thereafter incurred a disability
42 caused by a qualifying condition or impairment of health which the
43 medical board determines to be caused by participation in World
44 Trade Center rescue, recovery ^{1,1} or cleanup operations shall be
45 eligible to apply to the board of trustees to have the ²[member’s]
46 retiree’s² retirement allowance recalculated as an accidental
47 disability retirement allowance for benefit payments on or after the

1 date of the application, provided the ²[member] retiree² filed an
2 application for such recalculation within 30 days of the date that the
3 ²[member] retiree² knew or should have known of the existence
4 of such disability and its relation to the rescue, recovery, or cleanup
5 operations. In order to be eligible for such recalculation, the
6 ²[member] retiree² shall have successfully passed a physical
7 examination for entry into public service which failed to disclose
8 evidence of the qualifying condition or impairment of health that
9 formed the basis for the disability.

10 (4) The board of trustees shall promulgate rules and regulations
11 necessary to implement the provisions of this subsection and shall
12 notify members and retirants in the retirement system of the
13 enactment of this act, P.L. , c. (pending before the Legislature
14 as this bill), within 30 days of enactment.

15 A member ²or retiree² shall not be eligible for the presumption
16 or recalculation under this subsection unless within two years of the
17 effective date of this act, P.L. , c. (pending before the
18 Legislature as this bill), the member ²or retiree² files a written and
19 sworn statement with the retirement system on a form provided by
20 the board of trustees thereof indicating the dates and locations of
21 service.

22 ³(5) This subsection shall apply regardless of whether the
23 member or retiree, who is otherwise eligible, was enrolled in the
24 retirement system at the time of participation in World Trade Center
25 rescue, recovery, or cleanup operations as specified herein.³

26 (cf: P.L.1997, c.281, s.1)

27
28 ²[12.] ³ Section 10 of P.L.1965, c. 89 (C.53:5A-10) is
29 amended to read as follows:

30 10. a. Upon the written application by a member in service, by
31 one acting in his behalf or by the State, any member may be retired,
32 not less than 1 month next following the date of filing such
33 application, on an accidental disability retirement allowance,
34 provided, that the medical board, after a medical examination of
35 such member, shall certify that the member is permanently and
36 totally disabled as a direct result of a traumatic event occurring
37 during and as a result of the performance of his regular or assigned
38 duties and that such disability was not the result of the member's
39 willful negligence and that such member is mentally or physically
40 incapacitated for the performance of his usual duties in the
41 Division of State Police which the Superintendent of State Police is
42 willing to assign to him. The application to accomplish such
43 retirement must be filed within 5 years of the original traumatic
44 event, but the board of trustees may consider an application filed
45 after the 5-year period if it can be factually demonstrated to the
46 satisfaction of the board of trustees that the disability is due to the
47 accident and the filing was not accomplished within the 5-year

1 period due to a delayed manifestation of the disability or to the
2 member's continued employment in a restricted capacity consistent
3 with the nature of his disability in the Division of the State Police
4 upon and at the written request of the superintendent, with the
5 concurrence of the Attorney General, or to other circumstances
6 beyond the control of the member.

7 b. Upon retirement for accidental disability, a member shall
8 receive an accidental disability retirement allowance which shall
9 consist of:

10 (1) An annuity which shall be the actuarial equivalent of his
11 aggregate contributions and

12 (2) A pension in the amount which, when added to the member's
13 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of his
14 final compensation.

15 c. Upon the receipt of proper proofs of the death of a member
16 who has retired on an accidental disability retirement allowance,
17 there shall be paid to the member's beneficiary, an amount equal to
18 $3\frac{1}{2}$ times the final compensation received by the member in the
19 last year of creditable service; provided, however, that if such death
20 shall occur after the member shall have attained 55 years of age the
21 amount payable shall equal $\frac{1}{2}$ of such compensation instead of 3
22 $\frac{1}{2}$ times such compensation.

23 d. Permanent and total disability resulting from a
24 cardiovascular, pulmonary or musculo-skeletal condition which was
25 not a direct result of a traumatic event occurring in the performance
26 of duty shall be deemed an ordinary disability.

27 e. (1) For purposes of this subsection:

28 "Qualifying condition or impairment of health" includes:

29 diseases of the upper respiratory tract and mucosae, including
30 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
31 laryngitis, vocal cord disease, upper airway hyper-reactivity and
32 tracheo-bronchitis, or a combination of such conditions;

33 diseases of the lower respiratory tract, including but not limited
34 to bronchitis, asthma, reactive airway dysfunction syndrome, and
35 different types of pneumonitis, such as hypersensitivity,
36 granulomatous, or eosinophilic;

37 diseases of the gastroesophageal tract, including esophagitis and
38 reflux disease, either acute or chronic, caused by exposure or
39 aggravated by exposure;

40 diseases of the psychological axis, including post-traumatic
41 stress disorder, anxiety, depression, or any combination of such
42 conditions;

43 diseases of the skin such as contact dermatitis or burns, either
44 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
45 non-specific reactive in nature, caused by exposure or aggravated
46 by exposure; and

47 new onset diseases resulting from exposure as such diseases
48 occurring in the future including cancer, chronic obstructive

1 pulmonary disease, asbestos-related disease, heavy metal poisoning,
2 musculoskeletal disease and chronic psychological disease.

3 “World Trade Center rescue, recovery, or cleanup operations”
4 means the rescue, recovery, or cleanup operations at the World
5 Trade Center site between September 11, 2001 and October 11,
6 2001.

7 “World Trade Center site” means any location below a line
8 starting from the Hudson River and Canal Street, east on Canal
9 Street to Pike Street, south on Pike Street to the East River, and
10 extending to the lower tip of Manhattan.

11 (2) Notwithstanding any provision of subsection a. of this
12 section or any other law to the contrary, for a member who
13 participated, whether or not under orders or instruction by an
14 employer to so participate, in World Trade Center rescue, recovery,
15 or cleanup operations for a minimum of eight hours, permanent and
16 total disability resulting from a qualifying condition or impairment
17 of health shall be presumed to have occurred during and as a result
18 of the performance of the member’s regular or assigned duties and
19 not the result of the member’s willful negligence, unless the
20 contrary can be proved by competent evidence.

21 A member who did not participate in such operations for a
22 minimum of eight hours shall be eligible for the presumption
23 provided that:

24 the member participated in the rescue, recovery, or cleanup
25 operations at the World Trade Center site between September 11,
26 2001 and September 12, 2001;

27 the member sustained a documented physical injury at the World
28 Trade Center site between September 11, 2001 and September 12,
29 2001 that is a qualifying condition or impairment of health resulting
30 in a disability to the member that prevented the member from
31 continuing to participate in World Trade Center rescue, recovery, or
32 cleanup operations for a minimum of eight hours; and

33 the documented physical injury that resulted in a disability to the
34 member that prevented the member from continuing to participate
35 in World Trade Center rescue, recovery, or cleanup operations for a
36 minimum of eight hours is the qualifying condition or impairment
37 of health for which the member seeks a presumption under this
38 subsection.

39 In order to be eligible for the presumption provided under this
40 subsection, a member shall have successfully passed a physical
41 examination for entry into public service which failed to disclose
42 evidence of the qualifying condition or impairment of health that
43 formed the basis for the permanent and total disability.

44 (3) A member who participated in the World Trade Center
45 rescue, recovery, or cleanup operations for a minimum of eight
46 hours and subsequently retired on a service retirement or an
47 ordinary disability retirement and thereafter incurred a disability
48 caused by a qualifying condition or impairment of health which the

1 medical board determines to be caused by participation in World
2 Trade Center rescue, recovery, or cleanup operations shall be
3 eligible to apply to the board of trustees to have the ²[member's]
4 retiree's² retirement allowance recalculated as an accidental
5 disability retirement allowance for benefit payments on or after the
6 date of the application, provided the ²[member] retiree² filed an
7 application for such recalculation within 30 days of the date that the
8 ²[member] retiree² knew or should have known of the existence of
9 such disability and its relation to the rescue, recovery, or cleanup
10 operations. In order to be eligible for such recalculation, the
11 ²[member] retiree² shall have successfully passed a physical
12 examination for entry into public service which failed to disclose
13 evidence of the qualifying condition or impairment of health that
14 formed the basis for the disability.

15 (4) The board of trustees shall promulgate rules and regulations
16 necessary to implement the provisions of this subsection and shall
17 notify members and retirants in the retirement system of the
18 enactment of this act, P.L. , c. (pending before the Legislature
19 as this bill), within 30 days of enactment.

20 A member ²or retiree² shall not be eligible for the presumption
21 or recalculation under this subsection unless within two years of the
22 effective date of this act, P.L. , c. (pending before the
23 Legislature as this bill), the member ²or retiree² files a written and
24 sworn statement with the retirement system on a form provided by
25 the board of trustees thereof indicating the dates and locations of
26 service.¹

27 ³(5) This subsection shall apply regardless of whether the
28 member or retiree, who is otherwise eligible, was enrolled in the
29 retirement system at the time of participation in World Trade Center
30 rescue, recovery, or cleanup operations as specified herein.³

31 (cf: P.L.1971, c.181, s.8)

32

33 ²4. Section 43 of P.L.1954, c.84 (C.43:15A-43) is amended to
34 read as follows:

35 43. a. A member who has not attained age 65 shall, upon the
36 application of the head of the department in which he is employed
37 or upon his own application or the application of one acting in his
38 behalf, be retired by the board of trustees, if said employee is
39 permanently and totally disabled as a direct result of a traumatic
40 event occurring during and as a result of the performance of his
41 regular or assigned duties, on an accidental disability allowance. A
42 traumatic event occurring during voluntary performance of regular
43 or assigned duties at a place of employment before or after required
44 hours of employment which is not in violation of any valid work
45 rule of the employer or otherwise prohibited by the employer shall
46 be deemed as occurring during the performance of regular or
47 assigned duties.

1 The application to accomplish such retirement must be filed
2 within five years of the original traumatic event, but the board of
3 trustees may consider an application filed after the five-year period
4 if it can be factually demonstrated to the satisfaction of the board of
5 trustees that the disability is due to the accident and the filing was
6 not accomplished within the five-year period due to a delayed
7 manifestation of the disability or to circumstances beyond the
8 control of the member.

9 Permanent and total disability resulting from a cardiovascular,
10 pulmonary or musculo-skeletal condition which was not a direct
11 result of a traumatic event occurring in the performance of duty
12 shall be deemed an ordinary disability.

13 Before consideration of the application by the board of trustees,
14 the physician or physicians designated by the board shall have first
15 made a medical examination of the member at his residence or at
16 any other place mutually agreed upon and shall have certified to the
17 board that he is physically or mentally incapacitated for the
18 performance of duty, and should be retired, and the appointing
19 authority shall have certified to the board that the member is
20 permanently and totally disabled as a direct result of a traumatic
21 event occurring during and as a result of the performance of his
22 regular or assigned duties, the time and place where the duty
23 causing the disability was performed, that the disability was not the
24 result of his willful negligence and that the member should be
25 retired.

26 No person who becomes a member of the retirement system on
27 or after the effective date of P.L.2010, c.3 shall be eligible for
28 retirement pursuant to this section.

29 b. (1) For purposes of this subsection:

30 “Qualifying condition or impairment of health” includes:

31 diseases of the upper respiratory tract and mucosae, including
32 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
33 laryngitis, vocal cord disease, upper airway hyper-reactivity and
34 tracheo-bronchitis, or a combination of such conditions;

35 diseases of the lower respiratory tract, including but not limited
36 to bronchitis, asthma, reactive airway dysfunction syndrome, and
37 different types of pneumonitis, such as hypersensitivity,
38 granulomatous, or eosinophilic;

39 diseases of the gastroesophageal tract, including esophagitis and
40 reflux disease, either acute or chronic, caused by exposure or
41 aggravated by exposure;

42 diseases of the psychological axis, including post-traumatic
43 stress disorder, anxiety, depression, or any combination of such
44 conditions;

45 diseases of the skin such as contact dermatitis or burns, either
46 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
47 non-specific reactive in nature, caused by exposure or aggravated
48 by exposure; and

1 new onset diseases resulting from exposure as such diseases
2 occurring in the future including cancer, chronic obstructive
3 pulmonary disease, asbestos-related disease, heavy metal poisoning,
4 musculoskeletal disease and chronic psychological disease.

5 “World Trade Center rescue, recovery, or cleanup operations”
6 means the rescue, recovery, or cleanup operations at the World
7 Trade Center site between September 11, 2001 and October 11,
8 2001.

9 “World Trade Center site” means any location below a line
10 starting from the Hudson River and Canal Street, east on Canal
11 Street to Pike Street, south on Pike Street to the East River, and
12 extending to the lower tip of Manhattan.

13 (2) Notwithstanding any provision of subsection a. of this
14 section or any other law to the contrary, for a member who
15 participated, whether or not under orders or instruction by an
16 employer to so participate, in World Trade Center rescue, recovery,
17 or cleanup operations for a minimum of eight hours, permanent and
18 total disability resulting from a qualifying condition or impairment
19 of health shall be presumed to have occurred during and as a result
20 of the performance of the member’s regular or assigned duties and
21 not the result of the member’s willful negligence, unless the
22 contrary can be proved by competent evidence.

23 A member who did not participate in such operations for a
24 minimum of eight hours shall be eligible for the presumption
25 provided that:

26 the member participated in the rescue, recovery, or cleanup
27 operations at the World Trade Center site between September 11,
28 2001 and September 12, 2001;

29 the member sustained a documented physical injury at the World
30 Trade Center site between September 11, 2001 and September 12,
31 2001 that is a qualifying condition or impairment of health resulting
32 in a disability to the member that prevented the member from
33 continuing to participate in World Trade Center rescue, recovery, or
34 cleanup operations for a minimum of eight hours; and

35 the documented physical injury that resulted in a disability to the
36 member that prevented the member from continuing to participate
37 in World Trade Center rescue, recovery, or cleanup operations for a
38 minimum of eight hours is the qualifying condition or impairment
39 of health for which the member seeks a presumption under this
40 subsection.

41 In order to be eligible for the presumption provided under this
42 subsection, a member shall have successfully passed a physical
43 examination for entry into public service which failed to disclose
44 evidence of the qualifying condition or impairment of health that
45 formed the basis for the permanent and total disability.

46 (3) A member who participated in the World Trade Center
47 rescue, recovery, or cleanup operations for a minimum of eight
48 hours and subsequently retired on a service retirement or an

1 ordinary disability retirement and thereafter incurred a disability
2 caused by a qualifying condition or impairment of health which the
3 medical board determines to be caused by participation in World
4 Trade Center rescue, recovery, or cleanup operations shall be
5 eligible to apply to the board of trustees to have the retiree's
6 retirement allowance recalculated as an accidental disability
7 retirement allowance for benefit payments on or after the date of the
8 application, provided the retiree filed an application for such
9 recalculation within 30 days of the date that the retiree knew or
10 should have known of the existence of such disability and its
11 relation to the rescue, recovery, or cleanup operations. In order to
12 be eligible for such recalculation, the retiree shall have successfully
13 passed a physical examination for entry into public service which
14 failed to disclose evidence of the qualifying condition or
15 impairment of health that formed the basis for the disability.

16 (4) The board of trustees shall promulgate rules and regulations
17 necessary to implement the provisions of this subsection and shall
18 notify members and retirants in the retirement system of the
19 enactment of this act, P.L. , c. (pending before the Legislature
20 as this bill), within 30 days of enactment.

21 A member or retiree shall not be eligible for the presumption or
22 recalculation under this subsection unless within two years of the
23 effective date of this act, P.L. , c. (pending before the
24 Legislature as this bill), the member or retiree files a written and
25 sworn statement with the retirement system on a form provided by
26 the board of trustees thereof indicating the dates and locations of
27 service.

28 (5) This subsection shall apply only to: any member or retiree
29 who is or was enrolled in the Public Employees' Retirement System
30 because the member or retiree did not meet the age or medical
31 requirements for enrollment in the Police and Firemen's Retirement
32 System on the basis of the position held; and to any emergency
33 medical technician who is a member or retiree of the Public
34 Employees' Retirement System. For the purposes of this paragraph,
35 "emergency medical technician" means a person trained in basic
36 life support services as defined in section 1 of P.L.1985, c.351
37 (C.26:2K-21) and who is certified by the Department of Health to
38 perform these services.²

39 ³(6) This subsection shall apply regardless of whether the
40 member or retiree, who is otherwise eligible, was enrolled in the
41 retirement system at the time of participation in World Trade Center
42 rescue, recovery, or cleanup operations as specified herein.³

43 (cf: P.L.2010, c.3, s.9)

44

45 ¹[2.] ²[3.1] ^{5.}2 This act shall take effect immediately.

1

2

3

4

5

6

Permits certain members or retirees of PFRS, SPRS, or PERS to receive accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

ASSEMBLY, No. 4882

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 15, 2019

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

**Assemblyman Milam, Assemblywoman Reynolds-Jackson, Assemblymen
S.Kean and McGuckin**

SYNOPSIS

Permits member or retirant of PFRS to receive accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/12/2019)

1 AN ACT concerning the accidental disability retirement allowance
2 for members of the Police and Firemen's Retirement System and
3 amending P.L.1944, c.255.

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

7
8 1. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to
9 read as follows:

10 7. a. (1) Upon the written application by a member in service,
11 by one acting in his behalf or by his employer any member may be
12 retired on an accidental disability retirement allowance; provided,
13 that the medical board, after a medical examination of such
14 member, shall certify that the member is permanently and totally
15 disabled as a direct result of a traumatic event occurring during and
16 as a result of the performance of his regular or assigned duties and
17 that such disability was not the result of the member's willful
18 negligence and that such member is mentally or physically
19 incapacitated for the performance of his usual duty and of any other
20 available duty in the department which his employer is willing to
21 assign to him. The application to accomplish such retirement must
22 be filed within five years of the original traumatic event, but the
23 board of trustees may consider an application filed after the five-
24 year period if it can be factually demonstrated to the satisfaction of
25 the board of trustees that the disability is due to the accident and the
26 filing was not accomplished within the five-year period due to a
27 delayed manifestation of the disability or to other circumstances
28 beyond the control of the member.

29 (2) Upon retirement for accidental disability, a member shall
30 receive an accidental disability retirement allowance which shall
31 consist of:

32 (a) An annuity which shall be the actuarial equivalent of his
33 aggregate contributions and

34 (b) A pension in the amount which, when added to the member's
35 annuity, will provide a total retirement allowance of 2/3 of the
36 member's actual annual compensation for which contributions were
37 being made at the time of the occurrence of the accident or at the
38 time of the member's retirement, whichever provides the largest
39 possible benefit to the member.

40 (3) Upon receipt of proper proofs of the death of a member who
41 has retired on accidental disability retirement allowance, there shall
42 be paid to such member's beneficiary, an amount equal to 3 1/2
43 times the compensation upon which contributions by the member to
44 the annuity savings fund were based in the last year of creditable
45 service; provided, however, that if such death shall occur after 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.

1 member shall have attained 55 years of age the amount payable
2 shall equal 1/2 of such compensation instead of 3 1/2 times such
3 compensation.

4 (4) Permanent and total disability resulting from a
5 cardiovascular, pulmonary or musculo-skeletal condition which was
6 not a direct result of a traumatic event occurring in the performance
7 of duty shall be deemed an ordinary disability.

8 b. (1) For purposes of this subsection:

9 “Qualifying condition or impairment of health” includes:

10 diseases of the upper respiratory tract and mucosae, including
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and
16 different types of pneumonitis, such as hypersensitivity,
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis
19 and reflux disease, either acute or chronic, caused by exposure or
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic
22 stress disorder, anxiety, depression, or any combination of such
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
26 non-specific reactive in nature, caused by exposure or aggravated
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases
29 occurring in the future including cancer, chronic obstructive
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,
31 musculoskeletal disease and chronic psychological disease.

32 “World Trade Center rescue, recovery, or cleanup operations”
33 means the rescue, recovery, or cleanup operations at the World
34 Trade Center site between September 11, 2001 and October 11,
35 2001.

36 “World Trade Center site” means any location below a line
37 starting from the Hudson River and Canal Street, east on Canal
38 Street to Pike Street, south on Pike Street to the East River, and
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this
41 section or any other law to the contrary, for a member who
42 participated, whether or not under orders or instruction by an
43 employer to so participate, in World Trade Center rescue, recovery,
44 or cleanup operations for a minimum of eight hours, permanent and
45 total disability resulting from a qualifying condition or impairment
46 of health shall be presumed to have occurred during and as a result
47 of the performance of the member’s regular or assigned duties and

1 not the result of the member's willful negligence, unless the
2 contrary can be proved by competent evidence.

3 A member who did not participate in such operations for a
4 minimum of eight hours shall be eligible for the presumption
5 provided that:

6 the member participated in the rescue, recovery, or cleanup
7 operations at the World Trade Center site between September 11,
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World
10 Trade Center site between September 11, 2001 and September 12,
11 2001 that is a qualifying condition or impairment of health resulting
12 in a disability to the member that prevented the member from
13 continuing to participate in World Trade Center rescue, recovery, or
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the
16 member that prevented the member from continuing to participate
17 in World Trade Center rescue, recovery, or cleanup operations for a
18 minimum of eight hours is the qualifying condition or impairment
19 of health for which the member seeks a presumption under this
20 subsection.

21 In order to be eligible for the presumption provided under this
22 subsection, a member shall have successfully passed a physical
23 examination for entry into public service which failed to disclose
24 evidence of the qualifying condition or impairment of health that
25 formed the basis for the permanent and total disability.

26 (3) A member who participated in the World Trade Center
27 rescue, recovery, or cleanup operations a minimum of eight hours
28 and subsequently retired on a service retirement or an ordinary
29 disability retirement and thereafter incurred a disability caused by a
30 qualifying condition or impairment of health which the medical
31 board determines to be caused by participation in World Trade
32 Center rescue, recovery or cleanup operations shall be eligible to
33 apply to the board of trustees to have the member's retirement
34 allowance recalculated as an accidental disability retirement
35 allowance for benefit payments on or after the date of the
36 application, provided the member filed an application for such
37 recalculation within 30 days of the date that the member knew or
38 should have known of the existence of such disability and its
39 relation to the rescue, recovery, or cleanup operations. In order to
40 be eligible for such recalculation, the member shall have
41 successfully passed a physical examination for entry into public
42 service which failed to disclose evidence of the qualifying condition
43 or impairment of health that formed the basis for the disability.

44 (4) The board of trustees shall promulgate rules and regulations
45 necessary to implement the provisions of this subsection and shall
46 notify members and retirants in the retirement system of the
47 enactment of this act, P.L. , c. (pending before the Legislature
48 as this bill), within 30 days of enactment.

1 A member shall not be eligible for the presumption or
2 recalculation under this subsection unless within two years of the
3 effective date of this act, P.L. , c. (pending before the
4 Legislature as this bill), the member files a written and sworn
5 statement with the retirement system on a form provided by the
6 board of trustees thereof indicating the dates and locations of
7 service.

8 (cf: P.L.1997, c.281, s.1)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill provides that a member or retirant of the Police and
16 Firemen's Retirement System (PFRS) is eligible to receive an
17 accidental disability retirement allowance for a permanent and total
18 disability resulting from participation in 9/11 World Trade Center
19 rescue, recovery, or cleanup operations.

20 The bill provides that permanent and total disability resulting
21 from a qualifying condition or impairment of health will be
22 presumed to have occurred during and as a result of the
23 performance of a member's regular or assigned duties and not the
24 result of the member's willful negligence, unless the contrary can
25 be proved by competent evidence, if the member participated, in
26 World Trade Center rescue, recovery, or cleanup operations for a
27 minimum of eight hours. The presumption is available whether or
28 not the member was under orders or instruction by an employer to
29 participate.

30 The bill also permits a member who did not participate in those
31 operations for a minimum of eight hours to be eligible for the
32 presumption provided that:

33 the member participated in the rescue, recovery, or cleanup
34 operations at the World Trade Center site between September 11,
35 2001 and September 12, 2001;

36 the member sustained a documented physical injury at the World
37 Trade Center site between September 11, 2001 and September 12,
38 2001 that is a qualifying condition or impairment of health resulting
39 in a disability to the member that prevented the member from
40 continuing to participate for a minimum of eight hours; and

41 the injury that resulted in a disability that prevented the member
42 from continuing to participate for a minimum of eight hours is the
43 qualifying condition or impairment of health for which the member
44 is seeking a presumption.

45 In order to be eligible for the presumption a member must have
46 successfully passed a physical examination for entry into public
47 service which failed to disclose evidence of the qualifying condition
48 or impairment of health.

1 The bill also provides for a reclassification of a retirant's
2 retirement from a service retirement or an ordinary disability
3 retirement to an accidental disability retirement if the retirant, while
4 a member of the retirement system, participated in the World Trade
5 Center rescue, recovery, or cleanup operations a minimum of eight
6 hours and incurred a disability in retirement caused by a qualifying
7 condition or impairment of health which the medical board
8 determines to be caused by the member's participation in World
9 Trade Center rescue, recovery or cleanup operations.

10 The recalculation of the benefit is for benefit payments on or
11 after the date of the application, provided the member filed an
12 application for recalculation within 30 days of the date that the
13 member knew or should have known of the existence of the
14 disability and its relation to the rescue, recovery, or cleanup
15 operations. In order to be eligible for the recalculation, the member
16 must have successfully passed a physical examination for entry into
17 public service which failed to disclose evidence of the qualifying
18 condition or impairment of health that formed the basis for the
19 disability.

20 The bill requires the board of trustees to promulgate rules and
21 regulations and to notify members and retirants in the retirement
22 system of the enactment of this bill within 30 days of enactment.

23 In order to be eligible for the presumption or recalculation under
24 the bill, the member is to file, within two years of the effective date
25 of this act, a written and sworn statement with the retirement system
26 on a form provided by the board of trustees indicating the dates and
27 locations of service.

28 The bill delineates the diseases that qualify as a qualifying
29 condition or impairment of health and defines "World Trade Center
30 rescue, recovery, or cleanup operations" to mean the rescue,
31 recovery, or cleanup operations at the World Trade Center site
32 between September 11, 2001 and October 11, 2001. The bill also
33 defines "World Trade Center site" to mean any location below a
34 line starting from the Hudson River and Canal Street, east on Canal
35 Street to Pike Street, south on Pike Street to the East River, and
36 extending to the lower tip of Manhattan.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4882

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 2019

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 4882.

As amended, this bill provides that a member or retirant of the Police and Firemen's Retirement System (PFRS) or the State Police Retirement System (SPRS) is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill, as amended, also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and

the injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member filed an application for recalculation within 30 days of the date that the member knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member is required to have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The bill requires the board of trustees to promulgate rules and regulations and to notify members and retirants in the retirement system of the enactment of this bill within 30 days of enactment.

In order to be eligible for the presumption or recalculation under the bill, the member is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

COMMITTEE AMENDMENTS

The committee amendments:

- 1) provide the same presumption and benefits to members of the SPRS as the bill provides to members of the PFRS; and
- 2) make technical corrections.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4882

STATE OF NEW JERSEY

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4882 (1R).

Assembly Bill No. 4882 (1R) provides that a member or retirant of the Police and Firemen's Retirement System (PFRS) or the State Police Retirement System (SPRS) is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill, as amended, also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and

the injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member filed an application for recalculation within 30 days of the date that the member knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member is required to have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The bill requires the board of trustees to promulgate rules and regulations and to notify members and retirants in the retirement system of the enactment of this bill within 30 days of enactment.

In order to be eligible for the presumption or recalculation under the bill, the member is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill would result in an increase in the liabilities of the PFRS and the SPRS by an indeterminate amount. The increase cannot be determined because the number of individuals who would qualify for the benefit provided is not known. Increased liabilities will result in an increase in annual employer contributions. In the case of the PFRS, those increases will be paid by the State, local governments, or both. In the case of the SPRS, those increases will be paid by the State.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4882

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2019

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Assembly Bill No. 4882 (1R).

As amended by the committee, this bill provides that a member or retiree of the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees' Retirement System (PERS) is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and

the injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the

qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member or retiree filed an application for recalculation within 30 days of the date that the member or retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

As amended, the PERS portion of the bill would apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System.

The bill requires the board of trustees to promulgate rules and regulations and to notify members and retirants in the retirement system of the enactment of this bill within 30 days of enactment.

In order to be eligible for the presumption or recalculation under the bill, the member or retiree is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike

Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

As amended, Assembly Bill No. 4882 (2R) is identical to Senate Bill No. 3474 (1R) of 2018-2019.

COMMITTEE AMENDMENTS:

The amendments provide the same presumption and benefits to certain members of PERS.

For the PERS, the amendments provide that these provisions would apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System. "Emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

These amendments make this bill identical to Senate Bill No. 3474 (1R) of 2018-2019.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 4882

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2019

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 4882 (2R).

Assembly Bill No. 4882 (2R), with committee amendments, provides that a member or retiree of the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees' Retirement System (PERS) is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and

the injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member or retiree filed an application for recalculation within 30 days of the date that the member or retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The PERS portion of the bill would apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System.

The bill requires the board of trustees to promulgate rules and regulations and to notify members and retirants in the retirement system of the enactment of this bill within 30 days of enactment.

In order to be eligible for the presumption or recalculation under the bill, the member or retiree is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

As amended and reported, Assembly Bill No. 4882 (2R) is identical to Senate Bill No. 3474 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee adopted an amendment to the bill to have it apply to a member or retiree regardless of whether the person was enrolled in the retirement system at the time of rescue, recovery, and cleanup operations. The person must otherwise be eligible for the benefit.

FISCAL IMPACT:

This bill would result in an increase in contributions by the State and local government employers for the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees' Retirement System (PERS). However, the cost increase cannot be estimated because it will depend on the number of members or retirees who incur an illness, who can prove participation in the rescue, recovery, and cleanup operations, and who submit an application for the benefit. It is likely that the increase in costs will not be significant.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 4882

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 25, 2019

SUMMARY

- Synopsis:** Permits certain members or retirees of PFRS, SPRS, or PERS to receive accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.
- Type of Impact:** Indeterminate Expenditure Increase – State General Fund, local government funds.
- Agencies Affected:** Department of the Treasury, Division of Pensions and Benefits; local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- This bill would result in an increase in contributions by the State and local government employers for the Police and Firemen’s Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees’ Retirement System (PERS). However, the cost increase cannot be estimated because it will depend on the number of members or retirees who incurred an illness, who can prove participation in the rescue, recovery, and cleanup operations, and who submit an application for the benefit. It is likely that the increase in costs will not be significant.

BILL DESCRIPTION

This bill provides that a member or retiree of the PFRS, the SPRS, and the PERS is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

- (1) The member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;
- (2) The member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and
- (3) The injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member or retiree filed an application for recalculation within 30 days of the date that the member or retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The PERS portion of the bill would apply only to any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held, and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System.

In order to be eligible for the presumption or recalculation under the bill, the member or retiree is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

The bill will apply to a member or retiree regardless of whether the person was enrolled in the retirement system at the time of rescue, recovery, and cleanup operations. The person must otherwise be eligible for the benefit.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

This bill would result in an increase in contributions by the State and local government employers for the PFRS, the SPRS, and the PERS. However, the cost increase cannot be estimated because it will depend on the number of members or retirees who incurred an illness, who can prove participation in the rescue, recovery, and cleanup operations, and who submit an application for the benefit. It is likely that the increase in costs will not be significant.

Section: *State Government*
Analyst: *Aggie Szilagyi*
 Section Chief
Approved: *Frank W. Haines III*
 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3474

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

Sponsored by:

Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)
Senator JOSEPH A. LAGANA
District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators Greenstein, Gopal and Sarlo

SYNOPSIS

Permits member or retirant of PFRS to receive accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

S3474 SCUTARI, LAGANA

2

1 AN ACT concerning the accidental disability retirement allowance
2 for members of the Police and Firemen's Retirement System and
3 amending P.L.1944, c.255.

4

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

7

8 1. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read
9 as follows:

10 7. a. (1) Upon the written application by a member in
11 service, by one acting in his behalf or by his employer any member
12 may be retired on an accidental disability retirement allowance;
13 provided, that the medical board, after a medical examination of
14 such member, shall certify that the member is permanently and
15 totally disabled as a direct result of a traumatic event occurring
16 during and as a result of the performance of his regular or assigned
17 duties and that such disability was not the result of the member's
18 willful negligence and that such member is mentally or physically
19 incapacitated for the performance of his usual duty and of any other
20 available duty in the department which his employer is willing to
21 assign to him. The application to accomplish such retirement must
22 be filed within five years of the original traumatic event, but the
23 board of trustees may consider an application filed after the five-
24 year period if it can be factually demonstrated to the satisfaction of
25 the board of trustees that the disability is due to the accident and the
26 filing was not accomplished within the five-year period due to a
27 delayed manifestation of the disability or to other circumstances
28 beyond the control of the member.

29 (2) Upon retirement for accidental disability, a member shall
30 receive an accidental disability retirement allowance which shall
31 consist of:

32 (a) An annuity which shall be the actuarial equivalent of his
33 aggregate contributions and

34 (b) A pension in the amount which, when added to the member's
35 annuity, will provide a total retirement allowance of 2/3 of the
36 member's actual annual compensation for which contributions were
37 being made at the time of the occurrence of the accident or at the
38 time of the member's retirement, whichever provides the largest
39 possible benefit to the member.

40 (3) Upon receipt of proper proofs of the death of a member who
41 has retired on accidental disability retirement allowance, there shall
42 be paid to such member's beneficiary, an amount equal to 3 1/2
43 times the compensation upon which contributions by the member to
44 the annuity savings fund were based in the last year of creditable
45 service; provided, however, that if such death shall occur after 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.

1 member shall have attained 55 years of age the amount payable
2 shall equal 1/2 of such compensation instead of 3 1/2 times such
3 compensation.

4 (4) Permanent and total disability resulting from a
5 cardiovascular, pulmonary or musculo-skeletal condition which was
6 not a direct result of a traumatic event occurring in the performance
7 of duty shall be deemed an ordinary disability.

8 b. (1) For purposes of this subsection:

9 “Qualifying condition or impairment of health” includes:

10 diseases of the upper respiratory tract and mucosae, including
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and
16 different types of pneumonitis, such as hypersensitivity,
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis
19 and reflux disease, either acute or chronic, caused by exposure or
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic
22 stress disorder, anxiety, depression, or any combination of such
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
26 non-specific reactive in nature, caused by exposure or aggravated
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases
29 occurring in the future including cancer, chronic obstructive
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,
31 musculoskeletal disease and chronic psychological disease.

32 “World Trade Center rescue, recovery, or cleanup operations”
33 means the rescue, recovery, or cleanup operations at the World
34 Trade Center site between September 11, 2001 and October 11,
35 2001.

36 “World Trade Center site” means any location below a line
37 starting from the Hudson River and Canal Street, east on Canal
38 Street to Pike Street, south on Pike Street to the East River, and
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this section
41 or any other law to the contrary, for a member who participated,
42 whether or not under orders or instruction by an employer to so
43 participate, in World Trade Center rescue, recovery, or cleanup
44 operations for a minimum of eight hours, permanent and total
45 disability resulting from a qualifying condition or impairment of
46 health shall be presumed to have occurred during and as a result of
47 the performance of the member’s regular or assigned duties and not

1 the result of the member's willful negligence, unless the contrary
2 can be proved by competent evidence.

3 A member who did not participate in such operations for a
4 minimum of eight hours shall be eligible for the presumption
5 provided that:

6 the member participated in the rescue, recovery, or cleanup
7 operations at the World Trade Center site between September 11,
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World
10 Trade Center site between September 11, 2001 and September 12,
11 2001 that is a qualifying condition or impairment of health resulting
12 in a disability to the member that prevented the member from
13 continuing to participate in World Trade Center rescue, recovery, or
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the
16 member that prevented the member from continuing to participate
17 in World Trade Center rescue, recovery, or cleanup operations for a
18 minimum of eight hours is the qualifying condition or impairment
19 of health for which the member seeks a presumption under this
20 subsection.

21 In order to be eligible for the presumption provided under this
22 subsection, a member shall have successfully passed a physical
23 examination for entry into public service which failed to disclose
24 evidence of the qualifying condition or impairment of health that
25 formed the basis for the permanent and total disability.

26 (3) A member who participated in the World Trade Center
27 rescue, recovery, or cleanup operations a minimum of eight hours
28 and subsequently retired on a service retirement or an ordinary
29 disability retirement and thereafter incurred a disability caused by a
30 qualifying condition or impairment of health which the medical
31 board determines to be caused by participation in World Trade
32 Center rescue, recovery or cleanup operations shall be eligible to
33 apply to the board of trustees to have the member's retirement
34 allowance recalculated as an accidental disability retirement
35 allowance for benefit payments on or after the date of the
36 application, provided the member filed an application for such
37 recalculation within 30 days of the date that the member knew or
38 should have known of the existence of such disability and its
39 relation to the rescue, recovery, or cleanup operations. In order to
40 be eligible for such recalculation, the member shall have
41 successfully passed a physical examination for entry into public
42 service which failed to disclose evidence of the qualifying condition
43 or impairment of health that formed the basis for the disability.

44 (4) The board of trustees shall promulgate rules and regulations
45 necessary to implement the provisions of this subsection and shall
46 notify members and retirants in the retirement system of the
47 enactment of this act, P.L. , c. (pending before the Legislature
48 as this bill), within 30 days of enactment.

1 A member shall not be eligible for the presumption or
2 recalculation under this subsection unless within two years of the
3 effective date of this act, P.L. , c. (pending before the
4 Legislature as this bill), the member files a written and sworn
5 statement with the retirement system on a form provided by the
6 board of trustees thereof indicating the dates and locations of
7 service.

8 (cf: P.L.1997, c.281, s.1)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill provides that a member or retirant of the Police and
16 Firemen's Retirement System (PFRS) is eligible to receive an
17 accidental disability retirement allowance for a permanent and total
18 disability resulting from participation in 9/11 World Trade Center
19 rescue, recovery, or cleanup operations.

20 The bill provides that permanent and total disability resulting
21 from a qualifying condition or impairment of health will be
22 presumed to have occurred during and as a result of the
23 performance of a member's regular or assigned duties and not the
24 result of the member's willful negligence, unless the contrary can
25 be proved by competent evidence, if the member participated, in
26 World Trade Center rescue, recovery, or cleanup operations for a
27 minimum of eight hours. The presumption is available whether or
28 not the member was under orders or instruction by an employer to
29 participate.

30 The bill also permits a member who did not participate in those
31 operations for a minimum of eight hours to be eligible for the
32 presumption provided that:

33 the member participated in the rescue, recovery, or cleanup
34 operations at the World Trade Center site between September 11,
35 2001 and September 12, 2001;

36 the member sustained a documented physical injury at the World
37 Trade Center site between September 11, 2001 and September 12,
38 2001 that is a qualifying condition or impairment of health resulting
39 in a disability to the member that prevented the member from
40 continuing to participate for a minimum of eight hours; and

41 the injury that resulted in a disability that prevented the member
42 from continuing to participate for a minimum of eight hours is the
43 qualifying condition or impairment of health for which the member
44 is seeking a presumption.

45 In order to be eligible for the presumption a member must have
46 successfully passed a physical examination for entry into public
47 service which failed to disclose evidence of the qualifying condition
48 or impairment of health.

1 The bill also provides for a reclassification of a retirant's
2 retirement from a service retirement or an ordinary disability
3 retirement to an accidental disability retirement if the retirant, while
4 a member of the retirement system, participated in the World Trade
5 Center rescue, recovery, or cleanup operations a minimum of eight
6 hours and incurred a disability in retirement caused by a qualifying
7 condition or impairment of health which the medical board
8 determines to be caused by the member's participation in World
9 Trade Center rescue, recovery or cleanup operations.

10 The recalculation of the benefit is for benefit payments on or
11 after the date of the application, provided the member filed an
12 application for recalculation within 30 days of the date that the
13 member knew or should have known of the existence of the
14 disability and its relation to the rescue, recovery, or cleanup
15 operations. In order to be eligible for the recalculation, the member
16 must have successfully passed a physical examination for entry into
17 public service which failed to disclose evidence of the qualifying
18 condition or impairment of health that formed the basis for the
19 disability.

20 The bill requires the board of trustees to promulgate rules and
21 regulations and to notify members and retirants in the retirement
22 system of the enactment of this bill within 30 days of enactment.

23 In order to be eligible for the presumption or recalculation under
24 the bill, the member is to file, within two years of the effective date
25 of this act, a written and sworn statement with the retirement system
26 on a form provided by the board of trustees indicating the dates and
27 locations of service.

28 The bill delineates the diseases that qualify as a qualifying
29 condition or impairment of health and defines "World Trade Center
30 rescue, recovery, or cleanup operations" to mean the rescue,
31 recovery, or cleanup operations at the World Trade Center site
32 between September 11, 2001 and October 11, 2001. The bill also
33 defines "World Trade Center site" to mean any location below a
34 line starting from the Hudson River and Canal Street, east on Canal
35 Street to Pike Street, south on Pike Street to the East River, and
36 extending to the lower tip of Manhattan.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 3474

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2019

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 3474.

As amended by the committee, this bill provides that a member or retiree of the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees' Retirement System (PERS) is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and

the injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member or retiree filed an application for recalculation within 30 days of the date that the member or retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

As amended, the PERS portion of the bill would apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System.

The bill requires the board of trustees to promulgate rules and regulations and to notify members and retirants in the retirement system of the enactment of this bill within 30 days of enactment.

In order to be eligible for the presumption or recalculation under the bill, the member or retiree is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

As amended, Senate Bill No. 3474 (1R) is identical to Assembly Bill No. 4882 (2R) of 2018-2019.

COMMITTEE AMENDMENTS:

The amendments (1) provide the same presumption and benefits to members of the SPRS and certain members of PERS as the bill provides to members of the PFRS; and (2) make technical corrections.

For the PERS, the amendments provide that these provisions would apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System. "Emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

These amendments make the bill identical to Assembly Bill No. 4882 (2R) of 2018-2019.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3474

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3474 (1R), with committee amendments.

Senate Bill No. 3473(1R), with committee amendments, provides that a member or retiree of the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees' Retirement System (PERS) is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and

the injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member or retiree filed an application for recalculation within 30 days of the date that the member or retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The PERS portion of the bill would apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System.

The bill requires the board of trustees to promulgate rules and regulations and to notify members and retirants in the retirement system of the enactment of this bill within 30 days of enactment.

In order to be eligible for the presumption or recalculation under the bill, the member or retiree is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

As amended and reported, Senate Bill No. 3474 (1R) is identical to Assembly Bill No. 4882 (2R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee adopted an amendment to the bill to have it apply to a member or retiree regardless of whether the person was enrolled in the retirement system at the time of rescue, recovery, and cleanup operations. The person must otherwise be eligible for the benefit.

FISCAL IMPACT:

This bill would result in an increase in contributions by the State and local government employers for the Police and Firemen's Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees' Retirement System (PERS). However, the cost increase cannot be estimated because it will depend on the number of members or retirees who incur an illness, who can prove participation in the rescue, recovery, and cleanup operations, and who submit an application for the benefit. It is likely that the increase in costs will not be significant.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3474

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 26, 2019

SUMMARY

- Synopsis:** Permits certain members or retirees of PFRS, SPRS, or PERS to receive accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.
- Type of Impact:** Indeterminate Expenditure Increase – State General Fund, local government funds.
- Agencies Affected:** Department of the Treasury, Division of Pensions and Benefits; local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- This bill would result in an increase in contributions by the State and local government employers for the Police and Firemen’s Retirement System (PFRS), the State Police Retirement System (SPRS), and the Public Employees’ Retirement System (PERS). However, the cost increase cannot be estimated because it will depend on the number of members or retirees who incurred an illness, who can prove participation in the rescue, recovery, and cleanup operations, and who submit an application for the benefit. It is likely that the increase in costs will not be significant.

BILL DESCRIPTION

This bill provides that a member or retiree of the PFRS, SPRS, and the PERS is eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

The bill provides that permanent and total disability resulting from a qualifying condition or impairment of health will be presumed to have occurred during and as a result of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence, if the member participated in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours. The presumption is available whether or not the member was under orders or instruction by an employer to participate.

The bill also permits a member who did not participate in those operations for a minimum of eight hours to be eligible for the presumption provided that:

- (1) The member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;
- (2) The member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate for a minimum of eight hours; and
- (3) The injury that resulted in a disability that prevented the member from continuing to participate for a minimum of eight hours is the qualifying condition or impairment of health for which the member is seeking a presumption.

In order to be eligible for the presumption a member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health.

The bill also provides for a reclassification of a retirant's retirement from a service retirement or an ordinary disability retirement to an accidental disability retirement if the retirant, while a member of the retirement system, participated in the World Trade Center rescue, recovery, or cleanup operations a minimum of eight hours and incurred a disability in retirement caused by a qualifying condition or impairment of health which the medical board determines to be caused by the member's participation in World Trade Center rescue, recovery or cleanup operations.

The recalculation of the benefit is for benefit payments on or after the date of the application, provided the member or retiree filed an application for recalculation within 30 days of the date that the member or retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for the recalculation, the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The PERS portion of the bill would apply only to any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held, and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System.

In order to be eligible for the presumption or recalculation under the bill, the member or retiree is to file, within two years of the effective date of this act, a written and sworn statement with the retirement system on a form provided by the board of trustees indicating the dates and locations of service.

The bill delineates the diseases that qualify as a qualifying condition or impairment of health and defines "World Trade Center rescue, recovery, or cleanup operations" to mean the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001. The bill also defines "World Trade Center site" to mean any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

The bill will apply to a member or retiree regardless of whether the person was enrolled in the retirement system at the time of rescue, recovery, and cleanup operations. The person must otherwise be eligible for the benefit.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

This bill would result in an increase in contributions by the State and local government employers for the PFRS, the SPRS, and the PERS. However, the cost increase cannot be estimated because it will depend on the number of members or retirees who incurred an illness, who can prove participation in the rescue, recovery, and cleanup operations, and who submit an application for the benefit. It is likely that the increase in costs will not be significant.

Section: State Government

Analyst: Aggie Szilagy
Section Chief

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



Governor Phil Murphy

[Home](#)[Administration](#) ▼[Key Initiatives](#) ▼[News and Events](#) ▼[Social](#) ▼[Contact Us](#) ▼

Newark, N.J.

Governor Murphy Signs Legislation to Protect First Responders, Including 9/11 Volunteers

07/08/2019

TRENTON – Today, Governor Phil Murphy signed A4882 and S716 into law, which will enhance protections for first responders, including those who volunteered for 9/11 rescue, recovery, and clean-up efforts at World Trade Center sites.

“Thousands of courageous volunteers put their lives on the line in order to save those affected by the devastation of 9/11,” said Governor Murphy. “We will never forget their selfless acts of heroism, just as we will always be grateful for the first responders who put their lives on the line for us every day. Today we send a clear message to all of our heroes: We have your back. I am proud to sign legislation that will ensure the health benefits and compensation that these incredible men and women deserve.”

A4882, also known as “the Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act,” is named after Lieutenant Bill Ricci, a professional firefighter in Clifton, Passaic County, who volunteered to serve at Ground Zero after the terrorist attacks on September 11, 2001. Lieutenant Ricci was ineligible for an accidental disability retirement under previously existing law. However, through this act, members and retirees who volunteered for 9/11 rescue, recovery, or cleanup operations, like Lieutenant Ricci, will be eligible to receive accidental disability retirement. This act will also create an exception to the normal five-year filing requirement for 9/11-related operations.

S716, also known as “the Thomas P. Canzanella First Century First Responders Protection Act,” is named after Deputy Chief Thomas P. Canzanella, a former Hackensack firefighter and advocate who served at Ground Zero after 9/11. Deputy Chief Canzanella, who was an IAFF state representative, passed away from a heart attack at the age of 50. In 2016, Governor Christie absolute vetoed a previous version of this bill.

Under previously existing law, first responders and firefighters had the burden of proving causation for their illnesses, which often required a significant expense of time and resources. This new law reforms New Jersey’s workers’ compensation law to create a rebuttable presumption of coverage for public safety workers for certain illnesses. For firefighters, those with seven or more years of service who suffer an injury, illness or death caused by certain types of medical conditions would not be required to demonstrate causation or exposure before receiving medical benefits and financial compensation. Other first responders, including first-aid or rescue squad members, police, corrections officers, nurses, medical technicians, and other medical personnel, are also not required to demonstrate causation of illnesses, but are required to provide evidence of exposure. [Back to top](#)

“The Labor Department works hard to ensure that workers receive all the benefits they are entitled to under the law, and this is especially true for our first-responders,” said New Jersey Department of Labor and Workforce Development Commissioner Robert Asaro-Angelo. “I’m proud to see that New Jersey’s brave men and women on

the front lines, who run toward danger to keep the rest of us safe, will now have access to benefits if they become sick or disabled as a result of their heroism on 9/11, and will be taken care of in any future emergency."

"I am glad that the lawmakers were able to come together on this so quickly to help us," said Lieutenant Bill Ricci, City of Clifton Firefighter. "It's great how there were changes made on the fly to help more people as they became aware of the need. Hopefully, only a few will require this legislation, but it's here now to help all that need it."

"My family is so honored and so grateful to stand here today. It's been a very long 12 years without him but to see that this work is going to help so many people is just so powerful," said Allison Canzanella, daughter of Thomas P. Canzanella. "And, I'm just so proud to be his daughter every single day. Thank you."

"Today, with the signing of the "Thomas P. Canzanella 21st Century First Responders Protection Act," Firefighters, first responders, public safety workers, and their families in New Jersey will benefit in the event of an injury, illness or death in the performance of their duties," said Dominick Marino, President of the Professional Firefighters Association of New Jersey. "On behalf of the PFANJ Executive Board, its members, and their families, I want to thank Assemblywomen Quijano and Senator Greenstein for sponsoring and working to get the "Thomas P. Canzanella 21st Century First Responders Protection Act" passed and thank Governor Murphy for signing it into law."

"The IAFF is proud to see New Jersey recognizing the dangers of occupational cancer our members encounter," said Harold Schaitberger, General President of the International Association of Fire Fighters. "The "Thomas P. Canzanella Twenty First Century First Responders Protection Act" will help care for fire fighters who are sick as a result of doing their duty of protecting their community."

"It is time that we the citizens of New Jersey protect our police and fire as they protect us. The signing of these 2 bills is a beginning of this endeavor," said Robert Fox, President of the New Jersey State Fraternal Order of Police. "I thank the Governor, the Assembly, and the Senate for their actions to get these bills signed into law."

"With the signing of these bills today, Governor Murphy and the Legislature guarantee the brave men and women who answered the call on 9/11 are not forgotten," said Pat Colligan, President of the New Jersey State Policemen's Benevolent Association. "Those officers who bravely went into harm's way and have dealt with the health consequences now have the reassurance they will be covered. I want to thank the Governor and Legislature for assuring our heroes that they are not abandoned."

"The NJFMBA thanks the Governor and Legislature for moving this important legislation and signing them in Jersey City," said Wayne Wolk, Executive Vice President of the New Jersey State Firefighters' Mutual Benevolent Association. "Seventeen years ago, our elected officials promised to never forget the sacrifices first responders made on September 11th and the weeks and months that followed. Today, our elected officials showed that here in New Jersey, they keep their promises."

"I want to thank everyone for their hard work in getting this bill passed, including the Governor, the Legislature, and most of all, the brave responders who answered the call on 9/11," said Dr. Iris Udasin, Medical Director of the World Trade Center Clinic, Rutgers' Environmental and Occupational Health Sciences Institute.

Primary sponsors of A4882, also known as, "the Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act," include Assemblymembers James Kennedy, Jamel Holley, and Andrew Zwicker, and Senators Nicholas Scutari and Joseph Lagana.

"When police and firefighters in New Jersey received word that two planes had struck the World Trade Center on September 11, 2001, many of them didn't hesitate before responding to the scene, even though they were not specifically ordered to go," said Assemblyman James Kennedy. "Unfortunately, some suffered permanent or total disability. Due to the fact that they responded as volunteers, they have not been entitled to the same compensation as their counterparts who were considered to be 'on the job' that day. This law changes that."

All of the heroic men and women who responded to Ground Zero deserve our utmost respect and admiration, regardless of whether they were on the clock," said Assemblyman Jamel Holley. "They all saw the same terror, took the same risks, and worked towards the same goal. If their health has been affected in the time since, they all should be eligible for the same disability allowance."

"Our country is still feeling the effects of 9/11 today. The impact on those who were there – particularly our first responders – remains even more prevalent," said Assemblyman Andrew Zwicker. "We can go further to honor our first responders by ensuring they are recognized and compensated for their service on 9/11, voluntary or otherwise. They deserve nothing less."

"Many of these brave men and women are suffering from serious illnesses traced back to their efforts at Ground Zero," said Senator Nicholas Scutari. "This law will provide much needed financial support for these individuals whose health was drastically effected when they heroically put their country first on 9/11."

"In the aftermath of 9/11, first responders from our state displayed absolute heroism, facing fear and uncertainty head-on. Now, these brave individuals will finally be able to receive the increased benefits of accidental disability they deserve," said Senator Joseph Lagana. "This is an easy decision to make to help our resident heroes who are facing medical conditions related to the Ground Zero cleanup. Guaranteeing these benefits is the least we can do for these brave men and women."

Primary sponsors of S716, also known as, "the Thomas P. Canzanella First Century First Responders Protection Act," include Senators Linda Greenstein, Christopher Bateman, and Joseph Lagana, and Assemblymembers Anette Quijano, Daniel Benson, and Verlina Reynolds-Jackson.

"First-responders should not have to fight to receive treatment or compensation related to on-the-job exposure to toxins and pathogens," said Senator Linda Greenstein. "This law recognizes that symptoms of illnesses may not be immediate and ensures that no matter when symptoms occur, our emergency personnel are protected."

"First responders run towards danger with the sole goal of saving lives. We have already seen far too many pay a price for that heroic sacrifice. We need to ensure these heroes get the medical care they earned in the line of duty," said Senator Christopher Kip Bateman. "This law is the least we can do to thank the bravest among us for their unwavering commitment to keeping us safe."

"These workers are our first line of defense. Their jobs are not only stressful, they are dangerous," said Assemblywoman Annette Quijano. "This new law ensures that public safety workers are adequately covered if they suffer a debilitating illness or worse related to their duties at work."

"Public safety workers expose themselves to dangerous situations that could prove debilitating and even deadly," said Assemblyman Dan Benson. "Most importantly, the work can be a significant health hazard. Our workers deserve comparable coverage."

"These workers put their lives on the line for the safety of others," said Assemblywoman Verlina Reynolds-Jackson. "They should never have to question whether they will be compensated accordingly for the sacrifices that they make."

Governor Phil Murphy

Home

Administration

Governor Phil Murphy

Lt. Governor Sheila

Oliver

First Lady Tammy

Snyder Murphy

Cabinet

Boards, Commissions &

Authorities

Key Initiatives

Economy & Jobs

Education

Environment

Health

Law & Justice

Transportation

News & Events

Press Releases

Public Addresses

Social

Facebook

Twitter

Instagram

Snapchat

YouTube

Contact Us

Scheduling Requests

Contact Us

Statewide

NJ Home

Services A to Z

Departments/Agencies

FAQs

Contact Us

Privacy Notice

Legal Statement &

Disclaimers

Accessibility Statement

Internship Opportunities
Governor's Residence -
Drumthwacket

Executive Orders
Statements on
Legislation
Administration Reports
Transition Reports
Press Kits



Copyright © State of New Jersey, 1996-
Office of Governor PO Box 001
Trenton, NJ 08625
609-292-6000

powered by njoit