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RWH/CL

§1 - C.43:16A-7.4
§2 –
C.43:16A-10.3
§3 –
C.43:15A-43.1
§4 –
C.43:15A-49.1
§5 - C.53:5A-10.1
§6- C.53:5A-14.4
§§7,8 - T&E
§9 - Note

P.L. 2020, CHAPTER 54, *approved July 1, 2020*
Assembly, No. 3945 (*Second Reprint*)

1 AN ACT concerning eligibility for accidental disability and
2 accidental death benefits for certain members of the Police and
3 Firemen’s Retirement System ¹**[and]**,¹ the Public Employees’
4 Retirement System ¹, and the State Police Retirement System¹
5 who contract ¹**[infectious diseases during a public health**
6 **emergency or state of emergency]** COVID-19¹ ²**and test positive**
7 **for SARS-CoV-2²** and supplementing P.L.1944, c.255
8 (C.43:16A-1 et seq.) ¹**[and]**,¹ P.L.1954, c.84 (C.43:15A-
9 1 et seq.) ¹, and P.L.1965, c.89 (C.53:5A-1 et seq.)¹.

10

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

13

14 1. For purposes of paragraph (1) of subsection a. of section 7
15 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall
16 be deemed to have occurred as a direct result of a traumatic event
17 occurring during and as a result of the performance of regular or
18 assigned duties if:

19 the member ¹**[contracts an infectious disease]** ²**[contracted]**
20 **contracts² COVID-19¹** ²**and tests positive for SARS-CoV-2²** during
21 ²**[the period of]²** ¹**[a]** the¹ public health emergency ¹**[or]** ²**[and]**¹
22 **state of emergency]** in the State² declared ¹**[because of that**
23 **disease]** by the Governor ²**[beginning March 9, 2020 but prior to**
24 **the termination date of either the public health emergency or the**
25 **state of emergency, whichever occurs later¹]** in Executive Order
26 No. 103 of 2020 and as extended²;

27 the member is permanently and totally disabled as a result of
28 ²**[the disease]** COVID-19²; 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 AAP committee amendments adopted May 11, 2020.

²Senate SBA committee amendments adopted June 25, 2020.

1 the member's regular or assigned duties required the member to
2 interact, and the member so interacted, with the public ¹or to
3 directly supervise other personnel so interacting with the public¹ on
4 any date ²[after the declaration of] during² the public health
5 emergency ¹[or] ²[and¹ state of emergency and] in the State
6 declared by the Governor in Executive Order No. 103 of 2020 and
7 as extended and² within ¹[two weeks] 14 calendar days¹ prior to
8 the appearance of symptoms ²consistent with COVID-19² that shall
9 have been confirmed ¹in writing¹ by a ¹[physician] licensed health
10 care provider¹ ²on a form approved by the board of trustees and
11 also confirmed by a positive test result for SARS-CoV-2².

12 A member who ²retired during the public health emergency
13 declared by the Governor in Executive Order No. 103 of 2020 and
14 as extended, and² has been approved for a retirement allowance
15 pursuant to a provision other than this section or section 7 of
16 P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act,
17 P.L. , c. (pending before the Legislature as this bill), may apply
18 for a retirement allowance pursuant to this section and, if approved,
19 the prior approval shall be rescinded and the retirement allowance
20 pursuant to approval under this section shall be made retroactive to
21 the date of the initial approval of the rescinded retirement
22 allowance.

23 ²[¹This section shall also apply to a member who was
24 performing regular or assigned duties but not yet enrolled in the
25 Police and Firemen's Retirement System who would otherwise be
26 eligible for an allowance pursuant to this section.¹]²

27 This section shall not apply to any member who has retired and
28 subsequently returned to employment pursuant to Executive Order
29 No. 115 of 2020 or any other executive order similarly permitting a
30 retired member to return to employment without reenrollment to
31 assist during ¹[a] the¹ public health emergency ¹[or] and¹ state of
32 emergency.

33 ²New onset diseases and chronic psychological disease resulting
34 from prior exposure to, and recovery from, COVID-19 shall not be
35 deemed a permanent and total disability resulting from COVID-19.²
36

37 2. For purposes of paragraph (1) of section 10 of P.L.1944,
38 c.255 (C.43:16A-10), a member whose death is attributable to ¹[an
39 infectious disease] COVID-19¹, complications therefrom, or the
40 aggravation or acceleration of a preexisting condition caused
41 thereby shall be deemed to have occurred as the result of an
42 accident met in the actual performance of duty at some definite time
43 and place if:

44 the member contracted ¹[an infectious disease] COVID-19¹
45 ²and the member's death occurs after receiving a positive test result
46 for SARS-CoV-2² during ²[the period of]² ¹[a] the¹ public health

1 emergency ¹[or] ²[and¹ state of emergency] in the State² declared
 2 ¹[because of that disease] by the Governor ²[beginning March 9,
 3 2020 but prior to the termination date of either the public health
 4 emergency or the state of emergency, whichever occurs later¹] in
 5 Executive Order No. 103 of 2020 and as extended²;

6 the member dies as a result of ²[the disease] COVID-19²; and
 7 the member's regular or assigned duties required the member to
 8 interact, and the member so interacted, with the public ¹or to
 9 directly supervise other personnel so interacting with the public¹ on
 10 any date ²[after the declaration of] during² the public health
 11 emergency ¹[or] [and¹ state of emergency and] in the State
 12 declared by the Governor in Executive Order No. 103 of 2020 and
 13 as extended and² within ¹[two weeks] 14 calendar days¹ prior to
 14 the appearance of symptoms ²consistent with COVID-19² that shall
 15 have been confirmed ¹in writing¹ by a ¹[physician] licensed health
 16 care provider¹ ²on a form approved by the board of trustees and also
 17 confirmed by a positive test result for SARS-CoV-2².

18 The filing of an accident report with the Police and Firemen's
 19 Retirement System shall not be required for an accidental death
 20 benefit allowed pursuant to this section.

21 If a ²member dies during the public health emergency in the
 22 State declared by the Governor on Executive Order No. 103 of 2020
 23 and as extended and the² benefit has been approved pursuant to a
 24 provision other than this section or section 10 of P.L.1944, c.255
 25 (C.43:16A-10) prior to the effective date of this act, P.L. , c.
 26 (pending before the Legislature as this bill), a beneficiary may
 27 apply for a benefit pursuant to this section and, if approved, the
 28 prior approval shall be rescinded and the benefit pursuant to
 29 approval under this section shall be made retroactive to the date of
 30 the initial approval of the rescinded benefit.

31 ²[¹This section shall also apply to a member who was
 32 performing regular or assigned duties but not yet enrolled in the
 33 Police and Firemen's Retirement System when the beneficiary
 34 would otherwise be eligible for a benefit pursuant to this section.¹]²

35 This section shall not apply to any member who has retired and
 36 subsequently returned to employment pursuant to Executive Order
 37 No. 115 of 2020 or any other executive order similarly permitting a
 38 retired member to return to employment without reenrollment to
 39 assist during ¹[a] the¹ public health emergency ¹[or] and¹ state of
 40 emergency.

41

42 3. As used in this section, "law enforcement officer" includes,
 43 but shall not be limited to, sheriff's officers and corrections
 44 officers.

45 For purposes of subsection a. of section 43 of P.L.1954, c.84
 46 (C.43:15A-43), permanent and total disability of ¹a¹ member who is

1 a law enforcement officer, firefighter, or emergency medical
 2 responder eligible to retire pursuant to that subsection a. shall be
 3 deemed to have occurred as a direct result of a traumatic event
 4 occurring during and as a result of the performance of regular or
 5 assigned duties if:

6 the law enforcement officer, firefighter, or emergency medical
 7 responder ¹[contracts an infectious disease] ²[contracted
 8 contracts² COVID-19¹ ²and tests positive for SARS-CoV-2² during
 9 ²[the period of]² ¹[a] the¹ public health emergency ¹[or] ²[and¹
 10 state of emergency] in the State² declared ¹[because of that
 11 disease] by the Governor ²[beginning March 9, 2020 but prior to
 12 the termination date of either the public health emergency or the
 13 state of emergency, whichever occurs later¹] in Executive Order
 14 No. 103 of 2020 and as extended²;

15 the law enforcement officer, firefighter, or emergency medical
 16 responder is permanently and totally disabled as a result of ²[the
 17 disease] COVID-19²; and

18 the law enforcement officer, firefighter, or emergency medical
 19 responder's regular or assigned duties required the law enforcement
 20 officer, firefighter, or emergency medical responder to interact, and
 21 the law enforcement officer, firefighter, or emergency medical
 22 responder so interacted, with the public ¹or to directly supervise
 23 other personnel so interacting with the public¹ on any date ²[after
 24 the declaration of] during² the public health emergency ¹[or]
 25 ²[and¹ state of emergency and] in the State declared by the
 26 Governor in Executive Order No. 103 of 2020 and as extended and²
 27 within ¹[two weeks] 14 calendar days¹ prior to the appearance of
 28 symptoms ²consistent with COVID-19² that shall have been
 29 confirmed ¹in writing¹ by a ¹[physician] licensed health care
 30 provider¹ ²on a form approved by the board of trustees and also
 31 confirmed by a positive test result for SARS-CoV-2².

32 A member who is a law enforcement officer, firefighter, or
 33 emergency medical responder and who ²retired during the public
 34 health emergency in the State declared by the Governor in
 35 Executive Order No. 103 of 2020 and as extended and² has been
 36 approved for a retirement allowance pursuant to a provision other
 37 than this section or section 43 of P.L.1954, c.84 (C.43:15A-43)
 38 prior to the effective date of this act, P.L. , c. (pending before
 39 the Legislature as this bill), may apply for a retirement allowance
 40 pursuant to this section and, if approved, the prior approval shall be
 41 rescinded and the retirement allowance pursuant to approval under
 42 this section shall be made retroactive to the date of the initial
 43 approval of the rescinded retirement allowance.

44 ²[¹This section shall also apply to a law enforcement officer,
 45 firefighter, or emergency medical responder who was performing
 46 regular or assigned duties but not yet enrolled in the Public

1 Employees' Retirement System who would otherwise be eligible for
2 an allowance pursuant to this section.¹²

3 This section shall not apply to any member who has retired and
4 subsequently returned to employment pursuant to Executive Order
5 No. 115 of 2020 or any other executive order similarly permitting a
6 retired member to return to employment without reenrollment to
7 assist during ¹**[a]** the¹ public health emergency ¹**[or]** and¹ state of
8 emergency.

9 ²New onset diseases and chronic psychological disease resulting
10 from prior exposure to, and recovery from, COVID-19 shall not be
11 deemed a permanent and total disability resulting from COVID-19.²
12

13 4. As used in this section, "law enforcement officer" includes,
14 but shall not be limited to, sheriff's officers and corrections
15 officers.

16 For purposes of paragraph (1) of subsection a. of section 49 of
17 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement
18 officer, firefighter, or emergency medical responder and whose
19 death is attributable to ¹**[an infectious disease]** COVID-19¹,
20 complications therefrom, or the aggravation or acceleration of a
21 preexisting condition caused thereby shall be deemed to have
22 occurred as the result of an accident met in the actual performance
23 of duty at some definite time and place if:

24 the law enforcement officer, firefighter, or emergency medical
25 responder contracted ¹**[an infectious disease]** COVID-19¹ ²and the
26 member's death occurs after receiving a positive test result for
27 SARS-CoV-2² during ²**[the period of]**² ¹**[a]** the¹ public health
28 emergency ¹**[or]** ²**[and]**¹ state of emergency ²**[in the State]**² declared
29 ¹**[because of that disease]** by the Governor ²**[beginning March 9,**
30 2020 but prior to the termination date of either the public health
31 emergency or the state of emergency, whichever occurs later¹ ¹**[**
32 Executive Order No. 103 of 2020 and as extended²;

33 the law enforcement officer, firefighter, or emergency medical
34 responder dies as a result of ²**[the disease]** COVID-19²; and

35 the law enforcement officer, firefighter, or emergency medical
36 responder's regular or assigned duties required the law enforcement
37 officer, firefighter, or emergency medical responder to interact, and
38 the law enforcement officer, firefighter, or emergency medical
39 responder so interacted, with the public ¹or to directly supervise
40 other personnel so interacting with the public¹ on any date ²**[after**
41 the declaration of] during² the public health emergency ¹**[or]**
42 ²**[and]**¹ state of emergency ²**[and]** in the State declared by the
43 Governor in Executive Order No. 103 of 2020 and as extended and²
44 within ¹**[two weeks]** 14 calendar days¹ prior to the appearance of
45 symptoms ²consistent with COVID-19² that shall have been
46 confirmed ¹in writing¹ by a ¹**[physician]** licensed health care

1 provider¹ ²on a form approved by the board of trustees and also
 2 confirmed by a positive test result for SARS-CoV-2².

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

6 If ²[an application of a beneficiary] a member dies during the
 7 public health emergency in the State declared by the Governor in
 8 Executive Order No. 103 of 2020 and as extended and the benefit²
 9 has been approved pursuant to a provision other than this section or
 10 section 49 of P.L.1954, c.84 (C.43:15A-49) prior to the effective
 11 date of this act, P.L. , c. (pending before the Legislature as this
 12 bill), a beneficiary may apply for a benefit pursuant to this section
 13 and, if approved, the prior approval shall be rescinded and the
 14 benefit pursuant to approval under this section shall be made
 15 retroactive to the date of the rescinded initial approval.

16 ²[¹This section shall also apply to a law enforcement officer,
 17 firefighter, or emergency medical responder who was performing
 18 regular or assigned duties but not yet enrolled in the Public
 19 Employees' Retirement System when the beneficiary would
 20 otherwise be eligible for a benefit pursuant to this section.¹]²

21 This section shall not apply to any member who has retired and
 22 subsequently returned to employment pursuant to Executive Order
 23 No. 115 of 2020 or any other executive order similarly permitting a
 24 retired member to return to employment without reenrollment to
 25 assist during ¹[a] the¹ public health emergency ¹[or] and¹ state of
 26 emergency.

27
 28 ¹5. For purposes of subsection a. of section 10 of P.L.1965,
 29 c.89 (C.53:5A-10), permanent and total disability shall be deemed
 30 to have occurred as a direct result of a traumatic event occurring
 31 during and as a result of the performance of regular or assigned
 32 duties if:

33 the member ²[contracted] contracts² COVID-19 ²and tests
 34 positive for SARS-CoV-2² during ²[the period of]² the public
 35 health emergency ²[and state of emergency] in this State² declared
 36 by the Governor ²[beginning March 9, 2020 but prior to the
 37 termination date of either the public health emergency or the state
 38 of emergency, whichever occurs later] in Executive Order No. 103
 39 of 2020 and as extended²;

40 the member is permanently and totally disabled as a result of
 41 ²[the disease] COVID-19²; and

42 the member's regular or assigned duties required the member to
 43 interact, and the member so interacted, with the public or to directly
 44 supervise other personnel so interacting with the public on any date
 45 ²[after the declaration of] during² the public health emergency
 46 ²[and state of emergency and] in this State declared by the
 47 Governor in Executive Order No. 103 of 2020 and as extended and²

1 within 14 calendar days prior to the appearance of symptoms
 2 ²consistent with COVID-19² that shall have been confirmed in
 3 writing by a licensed health care provider ²on a form approved by
 4 the board of trustees and also confirmed by a positive test result for
 5 SARS-CoV-2².

6 A member who ²retired during the public health emergency in
 7 the State declared by the Governor in Executive Order No. 103 of
 8 2020 and as extended and² has been approved for a retirement
 9 allowance pursuant to a provision other than this section or section
 10 10 of P.L.1965, c.89 (C.53:5A-10) prior to the effective date of this
 11 act, P.L. , c. (pending before the Legislature as this bill), may
 12 apply for a retirement allowance pursuant to this section and, if
 13 approved, the prior approval shall be rescinded and the retirement
 14 allowance pursuant to approval under this section shall be made
 15 retroactive to the date of the initial approval of the rescinded
 16 retirement allowance.

17 ²[This section shall also apply to a member who was performing
 18 regular or assigned duties but not yet enrolled in the State Police
 19 Retirement System who would otherwise be eligible for an
 20 allowance pursuant to this section.]²

21 This section shall not apply to any member who has retired and
 22 subsequently returned to employment pursuant to Executive Order
 23 No. 115 of 2020 or any other executive order similarly permitting a
 24 retired member to return to employment without reenrollment
 25 during the public health emergency and state of emergency.¹

26 ²New onset diseases and chronic psychological disease resulting
 27 from prior exposure to, and recovery from, COVID-19 shall not be
 28 deemed a permanent and total disability resulting from COVID-19.²
 29

30 ¹6. For purposes of subsection a. of section 14 of P.L.1965, c.89
 31 (C.53:5A-14), a member whose death is attributable to COVID-19,
 32 complications therefrom, or the aggravation or acceleration of a
 33 preexisting condition caused thereby shall be deemed to have
 34 occurred as the result of an accident met in the actual performance
 35 of duty at some definite time and place if:

36 the member contracted COVID-19 ²and the member's death
 37 occurs after receiving a positive test result for SARS-CoV-2² during
 38 the ²[period of]² the public health emergency ²[and state of
 39 emergency] in this State² declared by the Governor ²[beginning
 40 March 9, 2020 but prior to the termination date of either the public
 41 health emergency or the state of emergency, whichever occurs
 42 later] in Executive Order No. 103 of 2020 and as extended²;

43 the member dies as a result of ²[the disease] COVID-19² ; and
 44 the member's regular or assigned duties required the member to
 45 interact, and the member so interacted, with the public or to directly
 46 supervise other personnel so interacting with the public on any date
 47 ²[after the declaration of] during² the public health emergency

1 ²[and state of emergency and] in this State declared by the
2 Governor in Executive Order No. 103 of 2020 and as extended and²
3 within 14 calendar days prior to the appearance of symptoms
4 ²consistent with COVID-19² that shall have been confirmed in
5 writing by a licensed health care provider ²on a form approved by
6 the board of trustees and also confirmed by a positive test result for
7 SARS-CoV-2².

8 The filing of an accident report with the State Police Retirement
9 System shall not be required for an accidental death benefit allowed
10 pursuant to this section.

11 If a ²member dies during the public health emergency in the
12 State declared by the Governor in Executive Order No. 103 of 2020
13 and as extended and the² benefit has been approved pursuant to a
14 provision other than this section or section 14 of P.L.1965, c.89
15 (C.53:5A-14) prior to the effective date of this act, P.L. _____, c.
16 (pending before the Legislature as this bill), a beneficiary may
17 apply for a benefit pursuant to this section and, if approved, the
18 prior approval shall be rescinded and the benefit pursuant to
19 approval under this section shall be made retroactive to the date of
20 the initial approval of the rescinded benefit.

21 ²[This section shall also apply to a member who was performing
22 regular or assigned duties but not yet enrolled in the State Police
23 Retirement System when the beneficiary would otherwise be
24 eligible for a benefit pursuant to this section.]²

25 This section shall not apply to any member who has retired and
26 subsequently returned to employment pursuant to Executive Order
27 No. 115 of 2020 or any other executive order similarly permitting a
28 retired member to return to employment without reenrollment to
29 assist during the public health emergency and state of emergency.¹
30

31 ¹⁷. The Division of Pension and Benefits in the Department of
32 the Treasury², and the board of trustees in the case of the Police and
33 Firemen's Retirement System,² shall notify all members of the
34 Police and Firemen's Retirement System, all law enforcement
35 officer, firefighter and emergency medical responder members of
36 the Public Employees' Retirement System, and all members of the
37 State Police Retirement System who are enrolled in those respective
38 retirement systems on the effective date of this act, P.L. _____, c.
39 (pending before the Legislature as this bill), of the provisions of this
40 act. The division², and the board of trustees in the case of the
41 Police and Firemen's Retirement System,² shall also notify all
42 members who retired on or after March 9, 2020 and all beneficiaries
43 of members who died on or after March 9, 2020 of the provisions of
44 this act.

45 The division², and the board of trustees in the case of the Police
46 and Firemen's Retirement System,² shall provide the required
47 notice within 30 days after the effective date of this act.¹

1 ¹8. Notwithstanding any provision of the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the
3 contrary, the board of trustees for the Police and Firemen's
4 Retirement System, for the Public Employees' Retirement System
5 and for the State Police Retirement System, during the 90-day
6 period following the effective date of this act, P.L. _____, c.
7 (pending before the Legislature as this bill), may adopt, amend, or
8 repeal any rule or regulation on an emergency basis for a period not
9 to exceed 180 days for the purpose of the expeditious and effective
10 implementation of the provisions of this act. Any emergency rule
11 or regulation authorized by this section shall be subject to such
12 terms and conditions as a board of trustees may deem appropriate.
13 Such emergency rules or regulations shall be effective when
14 published by the board on the website of the Department of the
15 Treasury², and on the website of the board of trustees in the case of
16 the Police and Firemen's Retirement System². Notice of any
17 emergency rule or regulation pursuant to this section shall be
18 published in the New Jersey Register not later than 30 days
19 subsequent to the implementation of the emergency rules or
20 regulations.¹

21

22 ¹**[5.]** 9.¹ This act shall take effect immediately and shall be
23 retroactive to ¹**[January 1, 2020]** March 9, 2020¹.

24

25

26

27

28 Extends eligibility for accidental disability and accidental death
29 benefits to certain PFRS, SPRS, and PERS members who contract
30 COVID-19 and test positive for SARS-CoV-2.

ASSEMBLY, No. 3945

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

**Assemblywoman Vainieri Huttie, Assemblymen Dancer, Tully,
Assemblywomen Swain and Jimenez**

SYNOPSIS

Extends eligibility for accidental disability and accidental death benefits to certain PFRS and PERS members who contract infectious diseases during public health emergency or state of emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2020)

A3945 MURPHY, CHAPARRO

2

1 AN ACT concerning eligibility for accidental disability and accidental
2 death benefits for certain members of the Police and Firemen's
3 Retirement System and the Public Employees' Retirement
4 System who contract infectious diseases during a public health
5 emergency or state of emergency and supplementing P.L.1944,
6 c.255 (C.43:16A-1 et seq.) and P.L.1954, c.84 (C.43:15A-1 et
7 seq.).

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

11
12 1. For purposes of paragraph (1) of subsection a. of section 7
13 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall be
14 deemed to have occurred as a direct result of a traumatic event
15 occurring during and as a result of the performance of regular or
16 assigned duties if:

17 the member contracts an infectious disease during the period of a
18 public health emergency or state of emergency declared because of
19 that disease;

20 the member is permanently and totally disabled as a result of the
21 disease; and

22 the member's regular or assigned duties required the member to
23 interact, and the member so interacted, with the public on any date
24 after the declaration of the public health emergency or state of
25 emergency and within two weeks prior to the appearance of
26 symptoms that shall have been confirmed by a physician.

27 A member who has been approved for a retirement allowance
28 pursuant to a provision other than this section or section 7 of
29 P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act,
30 P.L. , c. (pending before the Legislature as this bill), may apply
31 for a retirement allowance pursuant to this section and, if approved,
32 the prior approval shall be rescinded and the retirement allowance
33 pursuant to approval under this section shall be made retroactive to
34 the date of the initial approval of the rescinded retirement allowance.

35 This section shall not apply to any member who has retired and
36 subsequently returned to employment pursuant to Executive Order
37 No. 115 of 2020 or any other executive order similarly permitting a
38 retired member to return to employment without reenrollment to
39 assist during a public health emergency or state of emergency.

40
41 2. For purposes of paragraph (1) of section 10 of P.L.1944, c.255
42 (C.43:16A-10), a member whose death is attributable to an infectious
43 disease, complications therefrom, or the aggravation or acceleration
44 of a preexisting condition caused thereby shall be deemed to have
45 occurred as the result of an accident met in the actual performance of
46 duty at some definite time and place if:

1 the member contracted an infectious disease during the period of
2 a public health emergency or state of emergency declared because of
3 that disease;

4 the member dies as a result of the disease; and

5 the member's regular or assigned duties required the member to
6 interact, and the member so interacted, with the public on any date
7 after the declaration of the public health emergency or state of
8 emergency and within two weeks prior to the appearance of
9 symptoms that shall have been confirmed by a physician.

10 The filing of an accident report with the Police and Firemen's
11 Retirement System shall not be required for an accidental death
12 benefit allowed pursuant to this section.

13 If a benefit has been approved pursuant to a provision other than
14 this section or section 10 of P.L.1944, c.255 (C.43:16A-10) prior to
15 the effective date of this act, P.L. , c. (pending before the
16 Legislature as this bill), a beneficiary may apply for a benefit
17 pursuant to this section and, if approved, the prior approval shall be
18 rescinded and the benefit pursuant to approval under this section shall
19 be made retroactive to the date of the initial approval of the rescinded
20 benefit.

21 This section shall not apply to any member who has retired and
22 subsequently returned to employment pursuant to Executive Order
23 No. 115 of 2020 or any other executive order similarly permitting a
24 retired member to return to employment without reenrollment to
25 assist during a public health emergency or state of emergency.

26
27 3. As used in this section, "law enforcement officer" includes, but
28 shall not be limited to, sheriff's officers and corrections officers.

29 For purposes of subsection a. of section 43 of P.L.1954, c.84
30 (C.43:15A-43), permanent and total disability of member who is a
31 law enforcement officer, firefighter, or emergency medical
32 responder eligible to retire pursuant to that subsection a. shall be
33 deemed to have occurred as a direct result of a traumatic event
34 occurring during and as a result of the performance of regular or
35 assigned duties if:

36 the law enforcement officer, firefighter, or emergency medical
37 responder contracts an infectious disease during the period of a
38 public health emergency or state of emergency declared because of
39 that disease;

40 the law enforcement officer, firefighter, or emergency medical
41 responder is permanently and totally disabled as a result of the
42 disease; and

43 the law enforcement officer, firefighter, or emergency medical
44 responder's regular or assigned duties required the law enforcement
45 officer, firefighter, or emergency medical responder to interact, and
46 the law enforcement officer, firefighter, or emergency medical
47 responder so interacted, with the public on any date after the
48 declaration of the public health emergency or state of emergency and

A3945 MURPHY, CHAPARRO

4

1 within two weeks prior to the appearance of symptoms that shall have
2 been confirmed by a physician.

3 A member who is a law enforcement officer, firefighter, or
4 emergency medical responder and who has been approved for a
5 retirement allowance pursuant to a provision other than this section
6 or section 43 of P.L.1954, c.84 (C.43:15A-43) prior to the effective
7 date of this act, P.L. , c. (pending before the Legislature as this
8 bill), may apply for a retirement allowance pursuant to this section
9 and, if approved, the prior approval shall be rescinded and the
10 retirement allowance pursuant to approval under this section shall be
11 made retroactive to the date of the initial approval of the rescinded
12 retirement allowance.

13 This section shall not apply to any member who has retired and
14 subsequently returned to employment pursuant to Executive Order
15 No. 115 of 2020 or any other executive order similarly permitting a
16 retired member to return to employment without reenrollment to
17 assist during a public health emergency or state of emergency.

18

19 4. As used in this section, "law enforcement officer" includes, but
20 shall not be limited to, sheriff's officers and corrections officers.

21 For purposes of paragraph (1) of subsection a. of section 49 of
22 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement
23 officer, firefighter, or emergency medical responder and whose death
24 is attributable to an infectious disease, complications therefrom, or
25 the aggravation or acceleration of a preexisting condition caused
26 thereby shall be deemed to have occurred as the result of an accident
27 met in the actual performance of duty at some definite time and place
28 if:

29 the law enforcement officer, firefighter, or emergency medical
30 responder contracted an infectious disease during the period of a
31 public health emergency or state of emergency declared because of
32 that disease;

33 the law enforcement officer, firefighter, or emergency medical
34 responder dies as a result of the disease; and

35 the law enforcement officer, firefighter, or emergency medical
36 responder's regular or assigned duties required the law enforcement
37 officer, firefighter, or emergency medical responder to interact, and
38 the law enforcement officer, firefighter, or emergency medical
39 responder so interacted, with the public on any date after the
40 declaration of the public health emergency or state of emergency and
41 within two weeks prior to the appearance of symptoms that shall have
42 been confirmed by a physician.

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

46 If an application of a beneficiary has been approved pursuant to a
47 provision other than this section or section 49 of P.L.1954, c.84
48 (C.43:15A-49) prior to the effective date of this act, P.L. , c.

1 (pending before the Legislature as this bill), a beneficiary may apply
2 for a benefit pursuant to this section and, if approved, the prior
3 approval shall be rescinded and the benefit pursuant to approval
4 under this section shall be made retroactive to the date of the
5 rescinded initial approval.

6 This section shall not apply to any member who has retired and
7 subsequently returned to employment pursuant to Executive Order
8 No. 115 of 2020 or any other executive order similarly permitting a
9 retired member to return to employment without reenrollment to
10 assist during a public health emergency or state of emergency.

11

12 5. This act shall take effect immediately and shall be retroactive
13 to January 1, 2020.

14

15

16

STATEMENT

17

18 This bill extends accidental disability and accidental death
19 benefits to eligible law enforcement officers, firefighters, and
20 emergency medical responders enrolled in the Police and Firemen's
21 Retirement System (PFRS) and Public Employees' Retirement
22 System (PERS) who contract infectious diseases during a public
23 health emergency or state of emergency declared as a result of that
24 disease.

25 In order to qualify for accidental disability benefits, law
26 enforcement officers, firefighters, and emergency medical
27 responders enrolled in the systems need to sustain a permanent and
28 total disability as a result of a traumatic event occurring during and
29 as a result of regular or assigned duties. This bill provides that
30 exposure to an infectious disease during a public health emergency
31 or state of emergency declared as a result of that disease is considered
32 a traumatic event occurring during and as a result of regular and
33 assigned duties provided that (1) the law enforcement officer,
34 firefighter, or emergency medical responder contracted an infectious
35 disease during a public health emergency or state of emergency
36 declared because of that disease, (2) the law enforcement officer,
37 firefighter, or emergency medical responder is permanently and
38 totally disabled as a result of the disease, and (3) the law enforcement
39 officer, firefighter, or emergency medical responder's regular or
40 assigned duties required the law enforcement officer, firefighter, or
41 emergency medical responder to interact, and the law enforcement
42 officer, firefighter, or emergency medical responder so interacted,
43 with the public on any date after the declaration of the public health
44 emergency or state of emergency and within two weeks prior to the
45 appearance of symptoms that confirmed by a physician.

46 Upon the death of a law enforcement officer, firefighter, or
47 emergency medical responder, eligible beneficiaries of those
48 enrolled in the systems can obtain an accidental death benefit

1 provided the accident occurred during the performance of duty at
2 some definite time and place. Under this bill, the death of a law
3 enforcement officer, firefighter, or emergency medical responder that
4 is attributable to an infectious disease, complications therefrom, or
5 the aggravation or acceleration of a preexisting condition caused
6 thereby will be deemed to have occurred as the result of an accident
7 met in the actual performance of duty at some definite time and place
8 if (1) the law enforcement officer, firefighter, or emergency medical
9 responder contracted an infectious disease during the period of a
10 public health emergency or state of emergency declared because of
11 that disease, (2) the law enforcement officer, firefighter, or
12 emergency medical responder dies as a result of the disease, and (3)
13 the law enforcement officer, firefighter, or emergency medical
14 responder's regular or assigned duties required the law enforcement
15 officer, firefighter, or emergency medical responder to interact, and
16 the law enforcement officer, firefighter, or emergency medical
17 responder so interacted, with the public on any date after the
18 declaration of the public health emergency or state of emergency and
19 within two weeks prior to the appearance of symptoms that are
20 confirmed by a physician.

21 Retired law enforcement officers, firefighters, and emergency
22 medical responders who return to employment pursuant to Executive
23 Order No. 115 of 2020 or any other executive order similarly
24 permitting a retiree to return to work without reenrollment to assist
25 during a public health emergency or state of emergency are not
26 eligible convert their current retirement benefit to reflect the
27 accidental disability and accidental death benefits provided in this
28 bill.

29 Finally, this bill is retroactive to January 1, 2020 to cover all states
30 of emergency that have arisen on or after that date.

31 Law enforcement officers, firefighters, and emergency medical
32 responders willingly place their lives at risk in order to ensure the
33 well-being and safety of our communities every day. This is true
34 now more than ever as many are currently serving on the frontlines
35 of a global pandemic helping victims in need, containing the spread
36 of the virus, and preventing future infections. Expanding these
37 benefits is one way we acknowledge their heroism during a public
38 health emergency or state of emergency and provide for both them
39 and their families in times of need.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3945

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3945, with committee amendments.

This bill extends accidental disability and accidental death benefits to eligible law enforcement officers, firefighters, and emergency medical responders enrolled in the Police and Firemen's Retirement System (PFRS), Public Employees' Retirement System (PERS), and State Police Retirement System (SPRS) who contract COVID-19 during the public health emergency and state of emergency declared by the Governor beginning March 9, 2020 but prior to the termination date of either the public health emergency or state of emergency, whichever occurs later.

In order to qualify for accidental disability benefits, law enforcement officers, firefighters, and emergency medical responders enrolled in the systems must sustain a permanent and total disability as a result of a traumatic event occurring during and as a result of regular or assigned duties. This bill provides any law enforcement officer, firefighter, and emergency medical responder who contracts COVID-19 during the public health emergency and state of emergency declared because of the COVID-19 pandemic is considered a traumatic event occurring during and as a result of regular and assigned duties provided that (1) the law enforcement officer, firefighter, or emergency medical responder contracted COVID-19 during the period of the public health emergency and the state of emergency declared because of the COVID-19 pandemic, (2) the law enforcement officer, firefighter, or emergency medical responder is permanently and totally disabled as a result of the disease, and (3) the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder to interact, and the law enforcement officer, firefighter, or emergency medical responder so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after the declaration of the public health emergency and state of emergency and within 14 calendar days prior to the appearance of symptoms that shall have been confirmed by a licensed health care provider.

Upon the death of a law enforcement officer, firefighter, or emergency medical responder, eligible beneficiaries of those enrolled in the systems can obtain an accidental death benefit provided the accident occurred during the performance of duty at some definite time and place. Under this bill, the death of a law enforcement officer, firefighter, or emergency medical responder that is attributable to COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby will be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if (1) the law enforcement officer, firefighter, or emergency medical responder contracted COVID-19 during the period of the public health emergency and the state of emergency declared because of the COVID-19 pandemic, (2) the law enforcement officer, firefighter, or emergency medical responder dies as a result of the disease, and (3) the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder to interact, and the law enforcement officer, firefighter, or emergency medical responder so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after the declaration of the public health emergency and state of emergency and within 14 calendar days prior to the appearance of symptoms that shall have been confirmed by a licensed health care provider.

This bill would apply to any law enforcement officer, firefighter, and emergency medical responder who was performing regular or assigned duties but not yet enrolled in either PFRS, PERS, or SPRS who would otherwise be eligible for benefits in this bill. Beneficiaries would similarly be able to apply for benefits under these circumstances as well.

Retired law enforcement officers, firefighters, and emergency medical responders who return to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retiree to return to work without reenrollment to assist during the public health emergency and the state of emergency are not eligible to convert their current retirement benefit to reflect the accidental disability and accidental death benefits provided in this bill.

The Division of Pension and Benefits in the Department of the Treasury will be required to notify all members of PFRS, PERS, and SPRS, those who have retired on or after March 9, 2020, and all those beneficiaries of members who have died on or after March 9, 2020 of the provisions of this bill within 30 days after the effective date.

The board of trustees for PFRS, PERS, and SPRS may adopt emergency regulations for purposes of expeditious and effective implementation of the provisions of this bill.

Finally, this bill is retroactive to March 9, 2020 to cover all law enforcement officers, firefighters, and emergency medical responders

who have contracted COVID-19 from the time the public health emergency and state of emergency were first declared.

COMMITTEE AMENDMENTS:

The committee amendments:

Limit the bill's application to the public health emergency and state of emergency declared by the Governor due to the COVID-19 pandemic;

Add the State Police Retirement System (SPRS) to the bill;

Include members of the PFRS, PERS, and SPRS who supervised those members who interacted with the public;

Include those police officers, firefighters, and emergency medical responders who were performing regular and assigned duties but not yet enrolled on the PFRS, PERS, or SPRS;

Require notice of this bill after enactment to given to members of the PFRS, PERS, and SPRS and certain retirees and beneficiaries of those systems;

Authorize the PFRS, PERS, and SPRS to promulgate regulations on an emergency basis if needed; and

Change the effective date from January 1, 2020 to March 9, 2020.

FISCAL IMPACT:

The Office of Legislative Services notes that the bill will have an indeterminate cost increase to the Division of Pension and Benefits and the three retirement systems whose members would be eligible to receive benefits under the bill. The number of retirement system members that the bill might apply to is not subject to accurate forecast.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3945

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2020

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3945 (1R) with committee amendments.

This bill extends accidental disability and accidental death benefits to eligible law enforcement officers, firefighters, and emergency medical responders enrolled in the Police and Firemen's Retirement System (PFRS), Public Employees' Retirement System (PERS), and State Police Retirement System (SPRS) who contract COVID-19 during the public health emergency in this State declared by the Governor in Executive Order No. 103 and as extended by the Governor.

In order to qualify for accidental disability benefits, law enforcement officers, firefighters, and emergency medical responders enrolled in the systems must sustain a permanent and total disability as a result of a traumatic event occurring during and as a result of regular or assigned duties. This bill provides that a permanent and total disability will be deemed to have occurred as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties if:

the member contracts COVID-19 and tests positive for SARS-CoV-2 during the public health emergency;

the member is permanently and totally disabled as a result of COVID-19; and

the member's regular or assigned duties required the member to interact, and the member so interacted, with the public or to directly supervise other personnel so interacting with the public on any date during the public health emergency and within 14 calendar days prior to the appearance of symptoms consistent with COVID-19 that were confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

A member who retired during the public health emergency may apply for a retirement allowance pursuant to this bill.

New onset diseases and chronic psychological disease resulting from prior exposure to, and recovery from, COVID-19 will not be deemed a permanent and total disability resulting from COVID-19.

For an accidental death benefit, a member whose death is attributable to COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby will be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if:

the member contracted COVID-19 and the member's death occurs after receiving a positive test result for SARS-CoV-2 during the public health emergency;

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

the member's regular or assigned duties required the member to interact, and the member so interacted, with the public or to directly supervise other personnel so interacting with the public on any date during the public health emergency and within 14 calendar days prior to the appearance of symptoms consistent with COVID-19 that were confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

If a member dies during the public health emergency, a beneficiary may apply for a benefit pursuant to this bill.

Retired law enforcement officers, firefighters, and emergency medical responders who return to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retiree to return to work without reenrollment to assist during the public health emergency will not be eligible to convert their current retirement benefit to reflect the accidental disability and accidental death benefits provided in this bill.

Notice will be provided to all members of PFRS, PERS, and SPRS, those who have retired on or after March 9, 2020, and all those beneficiaries of members who have died on or after March 9, 2020 of the provisions of this bill within 30 days after the effective date.

The board of trustees for PFRS, PERS, and SPRS may adopt emergency regulations for the purposes of expeditious and effective implementation of the provisions of this bill.

This is retroactive to March 9, 2020.

As amended and reported by the committee, Assembly Bill No. 3914 (2R) is identical to a committee substitute for Senate Bill No. 2376, which also was reported by the committee on this date.

COMMITTEE AMENDMENTS

These amendments:

Specify that a positive test result for SARS-CoV-2 and symptoms consistent with COVID-19 are eligibility requirements for a benefit provided in this bill.

Require that the confirmation of the illness be provided to the board of trustees on a form approved by the board of trustees of the retirement system.

Remove the provision that would have provided a benefit to a public employee who was performing duties but not yet a member so the retirement system.

Exclude a new onset disease and chronic psychological disease resulting from prior exposure to, and recovery from, COVID-19 from being deemed a permanent and total disability resulting from COVID-19.

Replace the description of the public health emergency and state of emergency declared by the Governor on March 9, 2020 with the specific reference to Executive Order No. 103 of 2020 that declared the public health emergency.

Specify that a member must have retired during the public health emergency, and not just have been approved for a retirement allowance, to be eligible for a benefit provided in this bill.

Require the board of trustees of the Police and Firemen's Retirement System, not the Division of Pensions and Benefits, to provide the required notice of this bill to all active members and to certain retirees.

FISCAL IMPACT:

The Office of Legislative Services notes that the bill will have an indeterminate cost increase to the Division of Pension and Benefits and the three retirement systems whose members would be eligible to receive benefits under the bill. The number of retirement system members to whom the bill may apply cannot be accurately estimated.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3945

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 21, 2020

SUMMARY

- Synopsis:** Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS, and PERS members who contract COVID-19.
- Type of Impact:** Expenditure increase to the State and local government funds.
- Agencies Affected:** Division of Pensions and Benefits in the Department of the Treasury; local government entities.

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	

- The Office of Legislative Services (OLS) notes that extending accidental disability and accidental death benefits to certain members of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) due to coronavirus disease 2019 (COVID-19) will result in indeterminate increases in the unfunded liabilities of, normal costs of, and employer contributions to the three retirement systems.
- The cost increases to the PERS, PFRS, and SPRS arise from an acceleration of costs and an increase in the cost of benefits of members who become disabled or die from COVID-19.
- The cost increase in this bill is indeterminate because the number of those who may be affected by COVID-19 and the benefit factors, including but not limited to compensation, years of service, and age are not subject to accurate forecast.
- The Division of Pensions and Benefits in the Department of the Treasury and the Board of Trustees for PERS, PFRS, and SPRS may incur temporary increases in workload to

implement the notification procedures required by the bill and to adopt emergency regulations to implement the provisions of the bill, respectively.

BILL DESCRIPTION

This bill extends accidental disability and accidental death benefits to eligible law enforcement officers, firefighters, and emergency medical responders enrolled in the PFRS, PERS, and SPRS who contract COVID-19 during the public health emergency and state of emergency declared by the Governor beginning March 9, 2020 but prior to the termination date of either the public health emergency or state of emergency, whichever occurs later.

In order to qualify for accidental disability benefits, law enforcement officers, firefighters, and emergency medical responders enrolled in the systems must sustain a permanent and total disability as a result of a traumatic event occurring during and as a result of regular or assigned duties. This bill provides any law enforcement officer, firefighter, and emergency medical responder who contracts COVID-19 during the public health emergency and state of emergency declared because of the COVID-19 pandemic is considered a traumatic event occurring during and as a result of regular and assigned duties provided that (1) the law enforcement officer, firefighter, or emergency medical responder contracted COVID-19 during the period of the public health emergency and the state of emergency declared because of the COVID-19 pandemic; (2) the law enforcement officer, firefighter, or emergency medical responder is permanently and totally disabled as a result of the disease; and (3) the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder to interact, and the law enforcement officer, firefighter, or emergency medical responder so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after the declaration of the public health emergency and state of emergency and within 14 calendar days prior to the appearance of symptoms that shall have been confirmed by a licensed health care provider.

Upon the death of a law enforcement officer, firefighter, or emergency medical responder, eligible beneficiaries of those enrolled in the systems can obtain an accidental death benefit provided the accident occurred during the performance of duty at some definite time and place. Under this bill, the death of a law enforcement officer, firefighter, or emergency medical responder that is attributable to COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby will be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if (1) the law enforcement officer, firefighter, or emergency medical responder contracted COVID-19 during the period of the public health emergency and the state of emergency declared because of the COVID-19 pandemic; (2) the law enforcement officer, firefighter, or emergency medical responder dies as a result of the disease; and (3) the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder to interact, and the law enforcement officer, firefighter, or emergency medical responder so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after the declaration of the public health emergency and state of emergency and within 14 calendar days prior to the appearance of symptoms that shall have been confirmed by a licensed health care provider.

This bill would apply to any law enforcement officer, firefighter, and emergency medical responder who was performing regular or assigned duties but not yet enrolled in either PFRS, PERS, or SPRS who would otherwise be eligible for benefits in this bill. Beneficiaries would similarly be able to apply for benefits under these circumstances as well.

Retired law enforcement officers, firefighters, and emergency medical responders who return to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retiree to return to work without reenrollment to assist during the public health emergency and the state of emergency are not eligible to convert their current retirement benefit to reflect the accidental disability and accidental death benefits provided in this bill.

The Division of Pension and Benefits will be required to notify all members of PFRS, PERS, and SPRS, those who have retired on or after March 9, 2020, and all those beneficiaries of members who have died on or after March 9, 2020 of the provisions of this bill within 30 days after the effective date.

The board of trustees for PFRS, PERS, and SPRS may adopt emergency regulations for purposes of expeditious and effective implementation of the provisions of this bill.

Finally, this bill is retroactive to March 9, 2020 to cover all law enforcement officers, firefighters, and emergency medical responders who have contracted COVID-19 from the time the public health emergency and state of emergency were first declared.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a formal fiscal note for this bill.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that extending accidental disability and accidental death benefits to certain members of the PERS, PFRS, and SPRS due to COVID-19 will result in indeterminate increases in the unfunded liabilities of, the normal costs of, and employer contributions to the three retirement systems. The cost increases to the PERS, PFRS, and SPRS arise from an acceleration of costs and an increase in the cost of benefits to members who are disabled or die from COVID-19. An acceleration of costs occurs when a member receives benefits earlier than they would have under a normal retirement and an increase in costs occurs when the benefits received are greater than the benefits a member would have received under a normal retirement. The cost increase in this bill is indeterminate because the number of those who may be affected by COVID-19 is not determinable at this time and the benefit factors, including but not limited to compensation, years of service, and age are not subject to accurate forecast.

Under current law generally, members of the PFRS and the SPRS who are eligible for accidental disability retirement benefits receive a pension in the amount of 66 percent of their final compensation and an amount that is equal to 3 1/2 times their final compensation is paid to the member's beneficiary upon death. Members of PERS who have not attained age 65 may retire if permanently and totally disabled on an accidental disability allowance.

Under current law generally, in the case of accidental death, eligible spouses or partners of PFRS and SPRS members are paid an annual pension equal to 70 percent of the member's final compensation and an amount that is equal to 3 1/2 times the compensation paid in the last year of service. Eligible widows or widowers of PERS members are paid an annual pension of 50 percent of the compensation paid in the last year of service.

In addition to the cost increases to the three retirement systems, the Division of Pensions and Benefits and the Board of Trustees for PERS, PFRS, and SPRS may incur temporary increases in workload to implement the notification procedures required by the bill and to adopt emergency regulations to implement the provisions of the bill, respectively.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst*

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

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

SENATE, No. 2430

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator O'Scanlon

SYNOPSIS

Extends eligibility for accidental disability and accidental death benefits to certain PFRS and PERS members who contract infectious diseases during public health emergency or state of emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 AN ACT concerning eligibility for accidental disability and accidental
2 death benefits for certain members of the Police and Firemen's
3 Retirement System and the Public Employees' Retirement System
4 who contract infectious diseases during a public health emergency
5 or state of emergency and supplementing P.L.1944, c.255
6 (C.43:16A-1 et seq.) and P.L.1954, c.84 (C.43:15A-1 et seq.).
7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:
10

11 1. For purposes of paragraph (1) of subsection a. of section 7
12 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall be
13 deemed to have occurred as a direct result of a traumatic event
14 occurring during and as a result of the performance of regular or
15 assigned duties if:

16 the member contracts an infectious disease during the period of a
17 public health emergency or state of emergency declared because of
18 that disease;

19 the member is permanently and totally disabled as a result of the
20 disease; and

21 the member's regular or assigned duties required the member to
22 interact, and the member so interacted, with the public on any date
23 after the declaration of the public health emergency or state of
24 emergency and within two weeks prior to the appearance of
25 symptoms that shall have been confirmed by a physician.

26 A member who has been approved for a retirement allowance
27 pursuant to a provision other than this section or section 7 of
28 P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act,
29 P.L. , c. (pending before the Legislature as this bill), may apply
30 for a retirement allowance pursuant to this section and, if approved,
31 the prior approval shall be rescinded and the retirement allowance
32 pursuant to approval under this section shall be made retroactive to
33 the date of the initial approval of the rescinded retirement allowance.

34 This section shall not apply to any member who has retired and
35 subsequently returned to employment pursuant to Executive Order
36 No. 115 of 2020 or any other executive order similarly permitting a
37 retired member to return to employment without reenrollment to
38 assist during a public health emergency or state of emergency.
39

40 2. For purposes of paragraph (1) of section 10 of P.L.1944, c.255
41 (C.43:16A-10), a member whose death is attributable to an infectious
42 disease, complications therefrom, or the aggravation or acceleration
43 of a preexisting condition caused thereby shall be deemed to have
44 occurred as the result of an accident met in the actual performance of
45 duty at some definite time and place if:

46 the member contracted an infectious disease during the period of
47 a public health emergency or state of emergency declared because of
48 that disease;

1 the member dies as a result of the disease; and
2 the member's regular or assigned duties required the member to
3 interact, and the member so interacted, with the public on any date
4 after the declaration of the public health emergency or state of
5 emergency and within two weeks prior to the appearance of
6 symptoms that shall have been confirmed by a physician.

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

10 If a benefit has been approved pursuant to a provision other than
11 this section or section 10 of P.L.1944, c.255 (C.43:16A-10) prior to
12 the effective date of this act, P.L. , c. (pending before the
13 Legislature as this bill), a beneficiary may apply for a benefit
14 pursuant to this section and, if approved, the prior approval shall be
15 rescinded and the benefit pursuant to approval under this section shall
16 be made retroactive to the date of the initial approval of the rescinded
17 benefit.

18 This section shall not apply to any member who has retired and
19 subsequently returned to employment pursuant to Executive Order
20 No. 115 of 2020 or any other executive order similarly permitting a
21 retired member to return to employment without reenrollment to
22 assist during a public health emergency or state of emergency.

23

24 3. As used in this section, "law enforcement officer" includes,
25 but shall not be limited to, sheriff's officers and corrections officers.

26 For purposes of subsection a. of section 43 of P.L.1954, c.84
27 (C.43:15A-43), permanent and total disability of member who is a
28 law enforcement officer, firefighter, or emergency medical responder
29 eligible to retire pursuant to that subsection a. shall be deemed to
30 have occurred as a direct result of a traumatic event occurring during
31 and as a result of the performance of regular or assigned duties if:

32 the law enforcement officer, firefighter, or emergency medical
33 responder contracts an infectious disease during the period of a
34 public health emergency or state of emergency declared because of
35 that disease;

36 the law enforcement officer, firefighter, or emergency medical
37 responder is permanently and totally disabled as a result of the
38 disease; and

39 the law enforcement officer, firefighter, or emergency medical
40 responder's regular or assigned duties required the law enforcement
41 officer, firefighter, or emergency medical responder to interact, and
42 the law enforcement officer, firefighter, or emergency medical
43 responder so interacted, with the public on any date after the
44 declaration of the public health emergency or state of emergency and
45 within two weeks prior to the appearance of symptoms that shall have
46 been confirmed by a physician.

47 A member who is a law enforcement officer, firefighter, or
48 emergency medical responder and who has been approved for a

1 retirement allowance pursuant to a provision other than this section
2 or section 43 of P.L.1954, c.84 (C.43:15A-43) prior to the effective
3 date of this act, P.L. , c. (pending before the Legislature as this
4 bill), may apply for a retirement allowance pursuant to this section
5 and, if approved, the prior approval shall be rescinded and the
6 retirement allowance pursuant to approval under this section shall be
7 made retroactive to the date of the initial approval of the rescinded
8 retirement allowance.

9 This section shall not apply to any member who has retired and
10 subsequently returned to employment pursuant to Executive Order
11 No. 115 of 2020 or any other executive order similarly permitting a
12 retired member to return to employment without reenrollment to
13 assist during a public health emergency or state of emergency.
14

15 4. As used in this section, “law enforcement officer” includes,
16 but shall not be limited to, sheriff’s officers and corrections officers.

17 For purposes of paragraph (1) of subsection a. of section 49 of
18 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement
19 officer, firefighter, or emergency medical responder and whose death
20 is attributable to an infectious disease, complications therefrom, or
21 the aggravation or acceleration of a preexisting condition caused
22 thereby shall be deemed to have occurred as the result of an accident
23 met in the actual performance of duty at some definite time and place
24 if:

25 the law enforcement officer, firefighter, or emergency medical
26 responder contracted an infectious disease during the period of a
27 public health emergency or state of emergency declared because of
28 that disease;

29 the law enforcement officer, firefighter, or emergency medical
30 responder dies as a result of the disease; and

31 the law enforcement officer, firefighter, or emergency medical
32 responder’s regular or assigned duties required the law enforcement
33 officer, firefighter, or emergency medical responder to interact, and
34 the law enforcement officer, firefighter, or emergency medical
35 responder so interacted, with the public on any date after the
36 declaration of the public health emergency or state of emergency and
37 within two weeks prior to the appearance of symptoms that shall have
38 been confirmed by a physician.

39 The filing of an accident report with the Public Employees’
40 Retirement System shall not be required for an accidental death
41 benefit allowed pursuant to this section.

42 If an application of a beneficiary has been approved pursuant to a
43 provision other than this section or section 49 of P.L.1954, c.84
44 (C.43:15A-49) prior to the effective date of this act, P.L. , c.
45 (pending before the Legislature as this bill), a beneficiary may apply
46 for a benefit pursuant to this section and, if approved, the prior
47 approval shall be rescinded and the benefit pursuant to approval

1 under this section shall be made retroactive to the date of the
2 rescinded initial approval.

3 This section shall not apply to any member who has retired and
4 subsequently returned to employment pursuant to Executive Order
5 No. 115 of 2020 or any other executive order similarly permitting a
6 retired member to return to employment without reenrollment to
7 assist during a public health emergency or state of emergency.

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9 5. This act shall take effect immediately and shall be retroactive
10 to January 1, 2020.

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STATEMENT

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This bill extends accidental disability and accidental death
benefits to eligible law enforcement officers, firefighters, and
emergency medical responders enrolled in the Police and Firemen's
Retirement System (PFRS) and Public Employees' Retirement
System (PERS) who contract infectious diseases during a public
health emergency or state of emergency declared as a result of that
disease.

22 In order to qualify for accidental disability benefits, law
23 enforcement officers, firefighters, and emergency medical
24 responders enrolled in the systems need to sustain a permanent and
25 total disability as a result of a traumatic event occurring during and
26 as a result of regular or assigned duties. This bill provides that
27 exposure to an infectious disease during a public health emergency
28 or state of emergency declared as a result of that disease is considered
29 a traumatic event occurring during and as a result of regular and
30 assigned duties provided that (1) the law enforcement officer,
31 firefighter, or emergency medical responder contracted an infectious
32 disease during a public health emergency or state of emergency
33 declared because of that disease, (2) the law enforcement officer,
34 firefighter, or emergency medical responder is permanently and
35 totally disabled as a result of the disease, and (3) the law enforcement
36 officer, firefighter, or emergency medical responder's regular or
37 assigned duties required the law enforcement officer, firefighter, or
38 emergency medical responder to interact, and the law enforcement
39 officer, firefighter, or emergency medical responder so interacted,
40 with the public on any date after the declaration of the public health
41 emergency or state of emergency and within two weeks prior to the
42 appearance of symptoms that confirmed by a physician.

43 Upon the death of a law enforcement officer, firefighter, or
44 emergency medical responder, eligible beneficiaries of those
45 enrolled in the systems can obtain an accidental death benefit
46 provided the accident occurred during the performance of duty at
47 some definite time and place. Under this bill, the death of a law
48 enforcement officer, firefighter, or emergency medical responder that

1 is attributable to an infectious disease, complications therefrom, or
2 the aggravation or acceleration of a preexisting condition caused
3 thereby will be deemed to have occurred as the result of an accident
4 met in the actual performance of duty at some definite time and place
5 if (1) the law enforcement officer, firefighter, or emergency medical
6 responder contracted an infectious disease during the period of a
7 public health emergency or state of emergency declared because of
8 that disease, (2) the law enforcement officer, firefighter, or
9 emergency medical responder dies as a result of the disease, and (3)
10 the law enforcement officer, firefighter, or emergency medical
11 responder's regular or assigned duties required the law enforcement
12 officer, firefighter, or emergency medical responder to interact, and
13 the law enforcement officer, firefighter, or emergency medical
14 responder so interacted, with the public on any date after the
15 declaration of the public health emergency or state of emergency and
16 within two weeks prior to the appearance of symptoms that are
17 confirmed by a physician.

18 Retired law enforcement officers, firefighters, and emergency
19 medical responders who return to employment pursuant to Executive
20 Order No. 115 of 2020 or any other executive order similarly
21 permitting a retiree to return to work without reenrollment to assist
22 during a public health emergency or state of emergency are not
23 eligible convert their current retirement benefit to reflect the
24 accidental disability and accidental death benefits provided in this
25 bill.

26 Finally, this bill is retroactive to January 1, 2020 to cover all states
27 of emergency that have arisen on or after that date.

28 Law enforcement officers, firefighters, and emergency medical
29 responders willingly place their lives at risk in order to ensure the
30 well-being and safety of our communities every day. This is true
31 now more than ever as many are currently serving on the frontlines
32 of a global pandemic helping victims in need, containing the spread
33 of the virus, and preventing future infections. Expanding these
34 benefits is one way we acknowledge their heroism during a public
35 health emergency or state of emergency and provide for both them
36 and their families in times of need.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 2430

STATE OF NEW JERSEY

DATED: JUNE 25, 2020

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 2430.

This bill extends accidental disability and accidental death benefits to eligible law enforcement officers, firefighters, and emergency medical responders enrolled in the Police and Firemen's Retirement System (PFRS), Public Employees' Retirement System (PERS), and State Police Retirement System (SPRS) who contract COVID-19 during the public health emergency in this State declared by the Governor in Executive Order No. 103 and as extended by the Governor.

In order to qualify for accidental disability benefits, law enforcement officers, firefighters, and emergency medical responders enrolled in the systems must sustain a permanent and total disability as a result of a traumatic event occurring during and as a result of regular or assigned duties. This bill provides that a permanent and total disability will be deemed to have occurred as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties if:

the member contracts COVID-19 and tests positive for SARS-CoV-2 during the public health emergency;

the member is permanently and totally disabled as a result of COVID-19; and

the member's regular or assigned duties required the member to interact, and the member so interacted, with the public or to directly supervise other personnel so interacting with the public on any date during the public health emergency and within 14 calendar days prior to the appearance of symptoms consistent with COVID-19 that were confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

A member who retired during the public health emergency may apply for a retirement allowance pursuant to this bill.

New onset diseases and chronic psychological disease resulting from prior exposure to, and recovery from, COVID-19 will not be deemed a permanent and total disability resulting from COVID-19.

For an accidental death benefit, a member whose death is attributable to COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby will be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if:

the member contracted COVID-19 and the member's death occurs after receiving a positive test result for SARS-CoV-2 during the public health emergency;

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

the member's regular or assigned duties required the member to interact, and the member so interacted, with the public or to directly supervise other personnel so interacting with the public on any date during the public health emergency and within 14 calendar days prior to the appearance of symptoms consistent with COVID-19 that were confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

If a member died during the public health emergency, a beneficiary may apply for a benefit pursuant to this bill

Retired law enforcement officers, firefighters, and emergency medical responders who return to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retiree to return to work without reenrollment to assist during the public health emergency will not be eligible to convert their current retirement benefit to reflect the accidental disability and accidental death benefits provided in this bill.

Notice will be provided to all members of PFRS, PERS, and SPRS, those who have retired on or after March 9, 2020, and all those beneficiaries of members who have died on or after March 9, 2020 of the provisions of this bill within 30 days after the effective date.

The board of trustees for PFRS, PERS, and SPRS may adopt emergency regulations for the purposes of expeditious and effective implementation of the provisions of this bill.

This is retroactive to March 9, 2020.

As reported, the committee substitute is identical to Assembly Bill No. 3914 (2R), as amended and reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services notes that the bill will have an indeterminate cost increase to the Division of Pension and Benefits and the three retirement systems whose members would be eligible to receive benefits under the bill. The number of retirement system members to whom the bill may apply cannot be accurately estimated.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2430
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 9, 2020

SUMMARY

- Synopsis:** Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS, and PERS members who contract COVID-19 and test positive for SARS-CoV-2.
- Type of Impact:** Expenditure increase to the State and local government funds.
- Agencies Affected:** Division of Pensions and Benefits in the Department of the Treasury; local government entities.

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	

- The Office of Legislative Services (OLS) notes that extending accidental disability and accidental death benefits to certain members of the Public Employees’ Retirement System (PERS), the Police and Firemen’s Retirement System (PFRS), and the State Police Retirement System (SPRS) due to COVID-19 will result in an indeterminate increase in employer contributions to the three retirement systems.
- The cost increase in this bill is indeterminate because the number of those members who may be disabled or who may die as a result of COVID-19 and their compensation, years of service, and age cannot be determined.
- The Division of Pensions and Benefits and the Board of Trustees for PERS, PFRS, and the SPRS may incur a one-time increase in costs to implement the notification procedures required by the bill.

BILL DESCRIPTION

This bill extends accidental disability and accidental death benefits to eligible law enforcement officers, firefighters, and emergency medical responders enrolled in the PFRS, PERS, and SPRS who contract COVID-19 and test positive for SARS-CoV-2 during the public health emergency in this State declared by the Governor in Executive Order No.103 and as extended by the Governor.

The bill requires notice to be provided to all members of PFRS, PERS, and SPRS, those who have retired on or after March 9, 2020, and all those beneficiaries of members who have died on or after March 9, 2020 of the provisions of this bill within 30 days after the effective date.

The board of trustees for PFRS, PERS, and SPRS may adopt emergency regulations for the purposes of expeditious and effective implementation of the provisions of this bill.

This bill is retroactive to March 9, 2020.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that extending accidental disability and accidental death benefits to certain members of the PFRS, PERS, and SPRS due to COVID-19 will result in an indeterminate increase in the employer contributions to the three retirement systems. The cost increase in this bill is indeterminate because the number of those members who may become disabled or who may die as a result of COVID-19 cannot be determined at this time and, therefore, the compensation, years of service, and age of the members affected are not known.

In addition to the benefit cost increases, the Division of Pensions and Benefits and the Board of Trustees for PERS, PFRS, and SPRS may incur a one-time increase in costs to implement the notification procedures required by the bill.

Section: State Government
Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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

Governor Murphy Takes Action on Legislation

07/1/2020

TRENTON - Today, Governor Murphy signed the following bills into law:

A-3919/S-2346 w/GR (Calabrese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco) Extends certain permits, approvals, and deadlines during COVID-19 emergency

A-3919/S-2346 w/GR (Calabrese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco) Extends certain permits, approvals, and deadlines during COVID-19 emergency

S-2498/A-4298 (Greenstein, Codey/Moen, Carter, Lopez) Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2021

S-2499/A-4299 (Smith, Bateman/Meija, McKnight, McKeon) Appropriates funds to DEP for environmental infrastructure projects for FY2021

A-4227/S-2558 (Coughlin, Quijano, Wimberly/Diegnan) Ensures insurance coverage for certain persons attending school graduation exercises in July and August of 2020

A-4037/S-2433 (Houghtaling, Downey/Gopal) Requires electronic signature and submission process for all candidate, recall, initiative, and referendum petitions for remaining 2020 elections and thereafter during COVID-19 emergency

S-2355/A-3963 (Gopal, Bateman/Mukherji, Benson, DeAngelo) Delays mandatory retirement in SPRS when it would occur during period of state of emergency; extends eligibility for appointment as member of State Police and enrollment in SPRS for 160th Class of NJ State Police

A-3945/S-2430 (Murphy, Chaparro, Mukherji/Greenstein, Diegnan) Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS and PERS members who contract COVID-19 and test positive for SARS-CoV-2

S-2467/A-4215 (Pou, Addiego/Lopez, Pinkin, Freiman) Extends duration of certain laws pertaining to use of telemedicine and telehealth in relation to COVID-19 pandemic

S-2527/A-2636 (Sweeney/Jasey, Wimberly, Chaparro) Concerns online marketing of affordable housing units

rese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco) Extends certain permits, approvals, and deadlines during COVID-19 emergency

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