

9SENATE, No. 1470

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen)

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

Co-Sponsored by:

Senators Greenstein, A.M.Bucco, Steinhardt, Sarlo, Singleton and O'Scanlon

SYNOPSIS

Provides workers' compensation benefits for certain public safety workers who developed illness or injury as result of responding to September 11, 2001 terrorist attacks.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee with technical review.



(Sponsorship Updated As Of: 2/12/2024)

1 AN ACT concerning workers' compensation benefits for certain
2 public safety workers and amending P.L.2019, c.156.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 6 of P.L.2019, c.156 (C.34:15-31.7) is amended to read
8 as follows:

9 6. a. Any injury, illness or death of a public safety worker which
10 may be caused by exposure to a known carcinogen, cancer-causing
11 radiation or a radioactive substance, including cancer and damage to
12 reproductive organs, shall be presumed to be compensable under the
13 provisions of R.S.34:15-1 et seq., if the worker demonstrates that he
14 was exposed, due to fire, explosion, spill or other means, to a known
15 carcinogen, cancer-causing radiation or radioactive substances in the
16 course of the worker's employment as a public safety worker and
17 demonstrates that the injury, illness or death has manifested during his
18 or her employment as a public safety worker. This prima facie
19 presumption may be rebutted by a preponderance of the evidence that
20 the exposure is not linked to the injury, illness or death. The employer
21 of the public safety worker may require the worker to undergo, at the
22 expense of the employer, reasonable testing, evaluation and
23 monitoring of health conditions of the worker which is relevant to
24 determining whether the exposure is linked to the occurrence, but the
25 presumption of compensability shall not be adversely affected by any
26 failure of the employer to require such testing, evaluation or
27 monitoring. The employer shall maintain records regarding any
28 instance in which any public safety worker in its employ was deployed
29 to a facility or location where the presence of one or more substances
30 which are known carcinogens is indicated in documents provided to
31 local fire or police departments pursuant to the requirements of section
32 7 of P.L.1983, c.315 (C.34:5A-7), or to local emergency medical
33 services, and where fire, explosions, spills or other events occurred
34 which could result in exposure to those carcinogens. The records shall
35 include the identity of each deployed public safety worker and each
36 worker shall be provided notice of the records.

37 b. (1) Notwithstanding any requirement under any other provision
38 of law limiting the time in which a worker may file a claim for
39 workers' compensation, term of service, age, or the number of years
40 since last service as a public safety worker, any illness, injury or death
41 of a public safety worker caused by, or as a result of, the worker's
42 participation in response to the September 11, 2001 attack on the
43 World Trade Center shall be presumed to be compensable under the
44 provisions of R.S.34:15-1 et seq., without respect to when the claim is
45 filed, if the worker has participated in the World Trade Center Health

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 Program established by the federal Centers for Disease Control and
2 Prevention. If a worker has previously collected benefits under any
3 foreign state or federal workers' compensation law, or federal fund or
4 program dedicated to paying medical, temporary, or permanency
5 benefits for conditions causally related to injury, illness or death
6 related to the September 11, 2001 attacks, the receipt of those benefits
7 shall be a credit to the employer, against an award of either medical,
8 temporary or permanency benefits under chapter 15 of Title 34 of the
9 Revised Statutes. If a foreign workers' compensation or federal fund
10 claim is pending and has not yet resulted in the payment of benefits, an
11 award under this subsection shall only be payable as in excess to the
12 foreign state award. If a federal fund claim results in the payment of
13 benefits, then any payment paid or awarded under this subsection shall
14 comply with the federal rules, regulations and statutes concerning
15 collateral source reduction or reimbursement for collateral sources.

16 (2) A public safety worker shall file a claim for benefits, in a form
17 and manner prescribed by the Commissioner of Labor and Workforce
18 Development, which shall note on the "what other facts are there that
19 you believe important" portion of the WC365 form that benefits have
20 been paid by the World Trade Center Health Program, with the
21 Division of Workers' Compensation in the Department of Labor and
22 Workforce Development within two years of the effective date of P.L.
23 , c. (C.)(pending before the Legislature as this bill) or within two
24 years of the date when the claimant knew or should have known
25 through the exercise of reasonable diligence that the claimant
26 sustained a permanent disability causally-related to the claimant's
27 exposure at the World Trade Center or within the area of exposure
28 recognized by the World Trade Center Health Program, whichever is
29 later.

30 (3) (a) The department shall provide notice on its internet website,
31 and to all employers in the State in a form to be provided to
32 employees, of the presumption established pursuant to this subsection.

33 (b) The Division of Archives and Records Management in the
34 Department of State, as the custodian of personnel records of all State
35 employees, as well as each county and municipality, and any regional
36 or joint public safety entity, whether fire, police, emergency response,
37 or other agency involved in the public safety, shall notify all active and
38 retired personnel at their last known address or by email if available,
39 and if deceased, shall notify their next-of-kin, of the presumption
40 established pursuant to this sub-section and the potential rights
41 available to a sick or injured worker or the worker's dependents
42 pursuant to this subsection, within three months of the effective date of
43 P.L. , c. (C.) (pending before the Legislature as this bill). These
44 respective custodians of personnel records shall employ due diligence
45 in locating and notifying potential beneficiaries under this subsection
46 should regular mail or email not result in the delivery of notice.

47 (cf: P.L.2019, c.156, s.6)

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- 1 2. This act shall take effect on the first day of the third month
- 2 next following enactment, except that the commissioner shall take
- 3 any anticipatory administrative action in advance as shall be
- 4 necessary for the implementation of this act.