

ASSEMBLY, No. 2503

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 13, 2008

Sponsored by:
Assemblyman NEIL M. COHEN
District 20 (Union)

SYNOPSIS

Establishes Workers' Compensation Review Commission.

CURRENT VERSION OF TEXT

As introduced.

WITHDRAWN



1 AN ACT establishing the Workers' Compensation Review
2 Commission.

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

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7 1. a. There is established in the Department of Labor and
8 Workforce Development, the Workers' Compensation Review
9 Commission. The commission shall consist of 17 members as
10 follows: the Commissioner of Labor and Workforce Development,
11 the Commissioner of Banking and Insurance, the Commissioner of
12 Health and Senior Services, and the Commissioner of Personnel, or
13 their designees, who shall serve ex-officio, and shall be non-voting
14 members; and 13 public members who have expertise and
15 experience in connection with workers' compensation appointed by
16 the Governor. Of the 13 public members: three shall be individuals
17 appointed from a list or lists of nominees provided by one or more
18 recognized Statewide organizations representing businesses, one of
19 whom shall represent a self-insured employer; three shall be
20 individuals appointed from a list or lists of nominees provided by
21 one or more recognized Statewide organizations representing labor
22 unions; two shall represent workers' compensation insurers; one
23 shall be a petitioner's attorney; one shall be a respondent's attorney;
24 and three shall be workers' compensation benefit claimants.

25 b. All appointments shall be made within 90 days after the
26 effective date of this act. The appointed members of the
27 commission shall serve for a term ending on December 31, 2008.
28 Vacancies in the membership of the appointed members of the
29 commission shall be filled in the same manner as the original
30 appointments.

31 c. The members shall serve without compensation, but shall be
32 reimbursed for necessary expenditures incurred in the performance
33 of their duties as members of the commission.

34 d. The commission shall organize as soon as possible after the
35 appointments are made and select a chairperson from among its
36 members. The commission shall meet at least quarterly and may
37 hold meetings and hearings at such places and times as it
38 designates. No action shall be taken by the commission except by
39 an affirmative vote of a majority of the voting members.

40 e. The commission shall study the effectiveness and efficiency
41 of the procedures used by the State to resolve disputed workers'
42 compensation claims, with special attention to any unnecessary
43 costs or delays imposed on employers and workers, including lost
44 time, lost wages, excessive expenditures or delayed benefits caused
45 by multiple court appearances and other procedural inefficiencies.

46 f. The commission shall issue a report to the Governor and the
47 Legislature not later than December 31, 2008 of its findings and
48 recommendations to reduce those costs and delays, which may

1 include any recommendations to permit the disposition of settled
2 cases by affidavit with the consent of all parties. The report shall
3 include any draft legislation needed to implement recommendations
4 of the report.

5 g. The commission may hold public hearings and shall have
6 access to relevant files and records of the Department of Banking
7 and Insurance, the Department of Labor and Workforce
8 Development, the Department of Health and Senior Services, the
9 Department of Personnel and other relevant State agencies, and may
10 call to its assistance and avail itself of the services of the employees
11 of those departments and agencies to provide whatever information
12 the commission considers relevant and necessary in the
13 performance of its functions. Any information obtained from or
14 about any employer, employee, or employee representative by the
15 commission shall be retained solely for the use of the commission
16 in the implementation of this act, and shall not be disclosed except
17 as part of a report made by the commission pursuant to this act. No
18 report of the commission shall include information which is
19 identifiable with any specific employer, employee or employer
20 representative without the written consent of the employer,
21 employee or employee representative.

22 h. Expenses of the commission determined to be necessary by
23 the Commissioner of Labor and Workforce Development to carry
24 out its responsibilities under the provisions of this act, which shall
25 not exceed \$95,000 during any fiscal year, shall be regarded as
26 administrative expenses of the Division of Workers' Compensation
27 for the purposes of R.S.34:15-94.

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29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill establishes the Workers' Compensation Review
35 Commission in the Department of Labor and Workforce
36 Development. The commission consists of 17 members, including
37 four State officials, who are non-voting members, and 13 public
38 members appointed by the Governor representing business, labor,
39 workers' compensation insurers, attorneys and claimants.

40 The commission will study the effectiveness and efficiency of
41 the procedures used by the State to resolve disputed workers'
42 compensation claims, with special attention to any unnecessary
43 costs or delays imposed on employers and workers, including lost
44 time, lost wages, excessive expenditures and delayed benefits
45 caused by multiple court appearances and other procedural
46 inefficiencies. The commission is directed to report, by December
47 31, 2008, its findings and recommendations to reduce such costs

1 and delays, which may include recommendations to permit the
2 disposition of settled cases by affidavit with the consent of all
3 parties.

WITHDRAWN