

[First Reprint]

**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 Huttle, Assemblymen Dancer, Tully, Assemblywomen Swain, Jimenez, Assemblymen Moen, Chiaravalloti, Assemblywoman Jasey, Assemblyman Benson, Assemblywoman Lopez, Assemblymen McGuckin, Johnson, Mejia, Catalano, Assemblywoman Timberlake, Assemblyman Spearman, Assemblywoman Tucker, Assemblyman DeAngelo, Assemblywoman Downey and Assemblyman Houghtaling**

**SYNOPSIS**

Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS, and PERS members who contract COVID-19.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on May 11, 2020, with amendments.

(Sponsorship Updated As Of: 5/14/2020)

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 <sup>1</sup>**[and]**,<sup>1</sup> the Public Employees'  
 4 Retirement System <sup>1</sup>, and the State Police Retirement System<sup>1</sup>  
 5 who contract <sup>1</sup>**[infectious diseases during a public health**  
 6 emergency or state of emergency] COVID-19<sup>1</sup> and  
 7 supplementing P.L.1944, c.255 (C.43:16A-1 et seq.) <sup>1</sup>**[and]**,<sup>1</sup>  
 8 P.L.1954, c.84 (C.43:15A-1 et seq.) <sup>1</sup>, and P.L.1965, c.89<sup>1</sup>  
 9 (C.53:5A-1 et seq.)<sup>1</sup>.

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 be  
 16 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 <sup>1</sup>**[contracts an infectious disease]** contracted COVID-  
 20 19<sup>1</sup> during the period of <sup>1</sup>**[a]** the<sup>1</sup> public health emergency <sup>1</sup>**[or]** and<sup>1</sup>  
 21 state of emergency declared <sup>1</sup>**[because of that disease]** by the  
 22 Governor beginning March 9, 2020 but prior to the termination date  
 23 of either the public health emergency or the state of emergency,  
 24 whichever occurs later<sup>1</sup>;

25 the member is permanently and totally disabled as a result of the  
 26 disease; and

27 the member's regular or assigned duties required the member to  
 28 interact, and the member so interacted, with the public <sup>1</sup>**or to directly**  
 29 supervise other personnel so interacting with the public<sup>1</sup> on any date  
 30 after the declaration of the public health emergency <sup>1</sup>**[or]** and<sup>1</sup> state of  
 31 emergency and within <sup>1</sup>**[two weeks]** 14 calendar days<sup>1</sup> prior to the  
 32 appearance of symptoms that shall have been confirmed <sup>1</sup>**in writing**<sup>1</sup>  
 33 by a <sup>1</sup>**[physician]** licensed health care provider<sup>1</sup>.

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

42 <sup>1</sup>This section shall also apply to a member who was performing  
 43 regular or assigned duties but not yet enrolled in the Police 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:

<sup>1</sup>Assembly AAP committee amendments adopted May 11, 2020.

1 Firemen's Retirement System who would otherwise be eligible for an  
2 allowance pursuant to this section.<sup>1</sup>

3 This section shall not apply to any member who has retired and  
4 subsequently returned to employment pursuant to Executive Order No.  
5 115 of 2020 or any other executive order similarly permitting a retired  
6 member to return to employment without reenrollment to assist during  
7 <sup>1</sup>~~the~~ public health emergency <sup>1</sup>~~or~~ <sup>1</sup>~~and~~ state of emergency.

8  
9 2. For purposes of paragraph (1) of section 10 of P.L.1944, c.255  
10 (C.43:16A-10), a member whose death is attributable to <sup>1</sup>~~an~~  
11 ~~infectious disease~~ COVID-19<sup>1</sup>, complications therefrom, or the  
12 aggravation or acceleration of a preexisting condition caused thereby  
13 shall be deemed to have occurred as the result of an accident met in the  
14 actual performance of duty at some definite time and place if:

15 the member contracted <sup>1</sup>~~an infectious disease~~ COVID-19<sup>1</sup>  
16 during the period of <sup>1</sup>~~the~~ public health emergency <sup>1</sup>~~or~~ <sup>1</sup>~~and~~  
17 state of emergency declared <sup>1</sup>~~because of that disease~~ by the  
18 Governor beginning March 9, 2020 but prior to the termination date  
19 of either the public health emergency or the state of emergency,  
20 whichever occurs later<sup>1</sup>;

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

22 the member's regular or assigned duties required the member to  
23 interact, and the member so interacted, with the public <sup>1</sup>or to directly  
24 supervise other personnel so interacting with the public<sup>1</sup> on any date  
25 after the declaration of the public health emergency <sup>1</sup>~~or~~ <sup>1</sup>~~and~~ state of  
26 emergency and within <sup>1</sup>~~two weeks~~ 14 calendar days<sup>1</sup> prior to the  
27 appearance of symptoms that shall have been confirmed <sup>1</sup>in writing<sup>1</sup>  
28 by a <sup>1</sup>~~physician~~ licensed health care provider<sup>1</sup>.

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

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

39 <sup>1</sup>This section shall also apply to a member who was performing  
40 regular or assigned duties but not yet enrolled in the Police and  
41 Firemen's Retirement System when the beneficiary would otherwise  
42 be eligible for a benefit pursuant to this section.<sup>1</sup>

43 This section shall not apply to any member who has retired and  
44 subsequently returned to employment pursuant to Executive Order No.  
45 115 of 2020 or any other executive order similarly permitting a retired

1 member to return to employment without reenrollment to assist during  
2 **‘[a] the’** public health emergency **‘[or] and’** state of emergency.  
3

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

7 For purposes of subsection a. of section 43 of P.L.1954, c.84  
8 (C.43:15A-43), permanent and total disability of **‘a’** member who is  
9 a law enforcement officer, firefighter, or emergency medical  
10 responder eligible to retire pursuant to that subsection a. shall be  
11 deemed to have occurred as a direct result of a traumatic event  
12 occurring during and as a result of the performance of regular or  
13 assigned duties if:

14 the law enforcement officer, firefighter, or emergency medical  
15 responder **‘[contracts an infectious disease] contracted COVID-19’**  
16 during the period of **‘[a] the’** public health emergency **‘[or] and’**  
17 state of emergency declared **‘[because of that disease] by the**  
18 **Governor beginning March 9, 2020 but prior to the termination date**  
19 **of either the public health emergency or the state of emergency,**  
20 **whichever occurs later’**;

21 the law enforcement officer, firefighter, or emergency medical  
22 responder is permanently and totally disabled as a result of the  
23 disease; and

24 the law enforcement officer, firefighter, or emergency medical  
25 responder’s regular or assigned duties required the law enforcement  
26 officer, firefighter, or emergency medical responder to interact, and  
27 the law enforcement officer, firefighter, or emergency medical  
28 responder so interacted, with the public **‘or to directly supervise**  
29 **other personnel so interacting with the public’** on any date after the  
30 declaration of the public health emergency **‘[or] and’** state of  
31 emergency and within **‘[two weeks] 14 calendar days’** prior to the  
32 appearance of symptoms that shall have been confirmed **‘in**  
33 **writing’** by a **‘[physician] licensed health care provider’**.

34 A member who is a law enforcement officer, firefighter, or  
35 emergency medical responder and who has been approved for a  
36 retirement allowance pursuant to a provision other than this section  
37 or section 43 of P.L.1954, c.84 (C.43:15A-43) prior to the effective  
38 date of this act, P.L. , c. (pending before the Legislature as this  
39 bill), may apply for a retirement allowance pursuant to this section  
40 and, if approved, the prior approval shall be rescinded and the  
41 retirement allowance pursuant to approval under this section shall  
42 be made retroactive to the date of the initial approval of the  
43 rescinded retirement allowance.

44 **‘This 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.<sup>1</sup>

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 <sup>1</sup>**[a]** the<sup>1</sup> public health emergency <sup>1</sup>**[or]** and<sup>1</sup> state of  
8 emergency.

9  
10 4. As used in this section, "law enforcement officer" includes, but  
11 shall not be limited to, sheriff's officers and corrections officers.

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

20 the law enforcement officer, firefighter, or emergency medical  
21 responder contracted <sup>1</sup>**[an infectious disease]** COVID-19<sup>1</sup> during the  
22 period of <sup>1</sup>**[a]** the<sup>1</sup> public health emergency <sup>1</sup>**[or]** and<sup>1</sup> state of  
23 emergency declared <sup>1</sup>**[because of that disease]** by the Governor  
24 beginning March 9, 2020 but prior to the termination date of either  
25 the public health emergency or the state of emergency, whichever  
26 occurs later<sup>1</sup>;

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

29 the law enforcement officer, firefighter, or emergency medical  
30 responder's regular or assigned duties required the law enforcement  
31 officer, firefighter, or emergency medical responder to interact, and the  
32 law enforcement officer, firefighter, or emergency medical responder  
33 so interacted, with the public <sup>1</sup>or to directly supervise other  
34 personnel so interacting with the public<sup>1</sup> on any date after the  
35 declaration of the public health emergency <sup>1</sup>**[or]** and<sup>1</sup> state of  
36 emergency and within <sup>1</sup>**[two weeks]** 14 calendar days<sup>1</sup> prior to the  
37 appearance of symptoms that shall have been confirmed <sup>1</sup>in writing<sup>1</sup>  
38 by a <sup>1</sup>**[physician]** licensed health care provider<sup>1</sup>.

39 The filing of an accident report with the Public Employees'  
40 Retirement System shall not be required for an accidental death benefit  
41 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 under

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

3 <sup>1</sup>This section shall also apply to a law enforcement officer,  
4 firefighter, or emergency medical responder who was performing  
5 regular or assigned duties but not yet enrolled in the Public  
6 Employees' Retirement System when the beneficiary would otherwise  
7 be eligible for a benefit pursuant to this section.<sup>1</sup>

8 This section shall not apply to any member who has retired and  
9 subsequently returned to employment pursuant to Executive Order No.  
10 115 of 2020 or any other executive order similarly permitting a retired  
11 member to return to employment without reenrollment to assist during  
12 <sup>1</sup>**[a]** the<sup>1</sup> public health emergency <sup>1</sup>**[or]** and<sup>1</sup> state of emergency.

13  
14 <sup>1</sup>5. For purposes of subsection a. of section 10 of P.L.1965,  
15 c.89 (C.53:5A-10), permanent and total disability shall be deemed  
16 to have occurred as a direct result of a traumatic event occurring  
17 during and as a result of the performance of regular or assigned  
18 duties if:

19 the member contracted COVID-19 during the period of the public  
20 health emergency and state of emergency declared by the Governor  
21 beginning March 9, 2020 but prior to the termination date of either  
22 the public health emergency or the state of emergency, whichever  
23 occurs later;

24 the member is permanently and totally disabled as a result of the  
25 disease; and

26 the member's regular or assigned duties required the member to  
27 interact, and the member so interacted, with the public or to directly  
28 supervise other personnel so interacting with the public on any date  
29 after the declaration of the public health emergency and state of  
30 emergency and within 14 calendar days prior to the appearance of  
31 symptoms that shall have been confirmed in writing by a licensed  
32 health care provider.

33 A member who has been approved for a retirement allowance  
34 pursuant to a provision other than this section or section 10 of  
35 P.L.1965, c.89 (C.53:5A-10) prior to the effective date of this act,  
36 P.L. , c. (pending before the Legislature as this bill), may apply  
37 for a retirement allowance pursuant to this section and, if approved,  
38 the prior approval shall be rescinded and the retirement allowance  
39 pursuant to approval under this section shall be made retroactive to  
40 the date of the initial approval of the rescinded retirement  
41 allowance.

42 This section shall also apply to a member who was performing  
43 regular or assigned duties but not yet enrolled in the State Police  
44 Retirement System who would otherwise be eligible for an allowance  
45 pursuant to this section.

46 This section shall not apply to any member who has retired and  
47 subsequently returned to employment pursuant to Executive Order  
48 No. 115 of 2020 or any other executive order similarly permitting a

1 retired member to return to employment without reenrollment to  
2 assist during the public health emergency and state of emergency.<sup>1</sup>

3  
4 <sup>1</sup>6. For purposes of subsection a. of section 14 of P.L.1965,  
5 c.89 (C.53:5A-14), a member whose death is attributable to  
6 COVID-19, complications therefrom, or the aggravation or  
7 acceleration of a preexisting condition caused thereby shall be  
8 deemed to have occurred as the result of an accident met in the  
9 actual performance of duty at some definite time and place if:

10 the member contracted COVID-19 during the period of the public  
11 health emergency and state of emergency declared by the Governor  
12 beginning March 9, 2020 but prior to the termination date of either  
13 the public health emergency or the state of emergency, whichever  
14 occurs later;

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

16 the member's regular or assigned duties required the member to  
17 interact, and the member so interacted, with the public or to directly  
18 supervise other personnel so interacting with the public on any date  
19 after the declaration of the public health emergency and state of  
20 emergency and within 14 calendar days prior to the appearance of  
21 symptoms that shall have been confirmed in writing by a licensed  
22 health care provider.

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

26 If a benefit has been approved pursuant to a provision other than  
27 this section or section 14 of P.L.1965, c.89 (C.53:5A-14) prior to  
28 the effective date of this act, P.L. , c. (pending before the  
29 Legislature as this bill), a beneficiary may apply for a benefit  
30 pursuant to this section and, if approved, the prior approval shall be  
31 rescinded and the benefit pursuant to approval under this section  
32 shall be made retroactive to the date of the initial approval of the  
33 rescinded benefit.

34 This section shall also apply to a member who was performing  
35 regular or assigned duties but not yet enrolled in the State Police  
36 Retirement System when the beneficiary would otherwise be eligible  
37 for a benefit pursuant to this section.

38 This section shall not apply to any member who has retired and  
39 subsequently returned to employment pursuant to Executive Order  
40 No. 115 of 2020 or any other executive order similarly permitting a  
41 retired member to return to employment without reenrollment to  
42 assist during the public health emergency and state of emergency.<sup>1</sup>

43  
44 <sup>1</sup>7. The Division of Pension and Benefits in the Department of the  
45 Treasury shall notify all members of the Police and Firemen's  
46 Retirement System, all law enforcement officer, firefighter and  
47 emergency medical responder members of the Public Employees'  
48 Retirement System, and all members of the State Police Retirement

1 System who are enrolled in those respective retirement systems on the  
2 effective date of this act, P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the  
3 Legislature as this bill), of the provisions of this act. The division  
4 shall also notify all members who retired on or after March 9, 2020  
5 and all beneficiaries of members who died on or after March 9, 2020  
6 of the provisions of this act.

7 The division shall provide the required notice within 30 days after  
8 the effective date of this act.<sup>1</sup>

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

27  
28 <sup>1</sup>**[5.]** 9.<sup>1</sup> This act shall take effect immediately and shall be  
29 retroactive to <sup>1</sup>**[January 1, 2020]** March 9, 2020<sup>1</sup>.