

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 be 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.