

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3999

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED JULY 27, 2020

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Assemblyman JOHN J. BURZICHELLI

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District 7 (Burlington)

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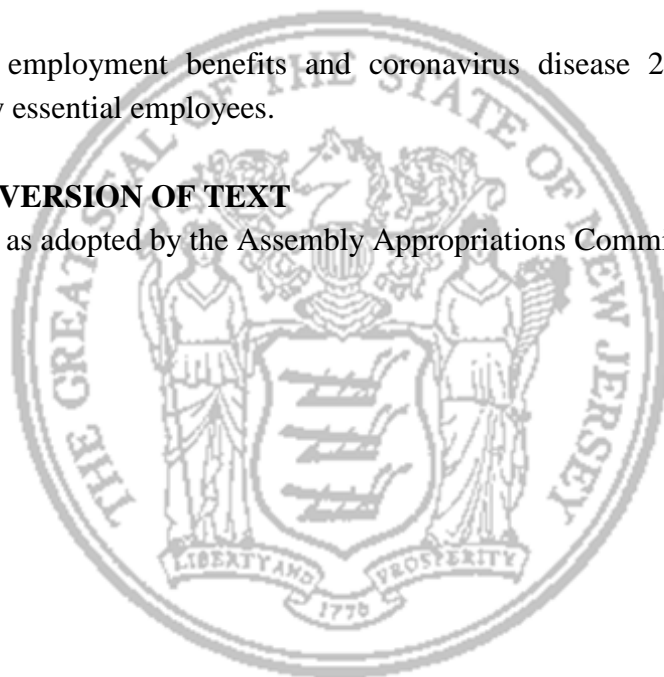
Assemblymen Holley, Benson, Verrelli, Assemblywomen Reynolds-Jackson, Carter, Tucker, Jimenez and Assemblyman Mejia

SYNOPSIS

Concerns employment benefits and coronavirus disease 2019 infections contracted by essential employees.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning essential employees contracting coronavirus
2 disease 2019 and supplementing Title 34 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Essential employee” means an employee in the public or private
9 sector who, during a state of emergency:

10 (1) is a public safety worker or first responder, including any
11 fire, police or other emergency responders;

12 (2) is involved in providing medical and other healthcare
13 services, emergency transportation, social services, and other care
14 services, including services provided in health care facilities,
15 residential facilities, or homes;

16 (3) performs functions which involve physical proximity to
17 members of the public and are essential to the public's health,
18 safety, and welfare, including transportation services, hotel and
19 other residential services, financial services, and the production,
20 preparation, storage, sale, and distribution of essential goods such
21 as food, beverages, medicine, fuel, and supplies for conducting
22 essential business and work at home; or

23 (4) is any other employee deemed an essential employee by the
24 public authority declaring the state of emergency.

25 An employee who is an employee of the State who is offered the
26 option of working at home but has refused that option shall not be
27 regarded as an essential employee.

28 “Health care facility” means any non-federal institution, building
29 or agency, or portion thereof, whether public or private, for profit or
30 nonprofit, that is used, operated or designed to provide health
31 services, medical or dental treatment or nursing, rehabilitative, or
32 preventive care to any person. Health care facility includes, but is
33 not limited to: an ambulatory surgical facility, home health agency,
34 hospice, hospital, infirmary, intermediate care facility, dialysis
35 center, long-term care facility, medical assistance facility, mental
36 health center, paid and volunteer emergency medical services,
37 outpatient facility, public health center, rehabilitation facility,
38 residential treatment facility, skilled nursing facility, and adult day
39 care center. Health care facility also includes, but is not limited to,
40 the following related property when used for or in connection with
41 the foregoing: a laboratory, research facility, pharmacy, laundry
42 facility, health personnel training and lodging facility, patient, guest
43 and health personnel food service facility, and the portion of an
44 office or office building used by persons engaged in health care
45 professions or services.

46 “Health care worker” means an individual employed by a health
47 care facility.

1 "Public safety worker" includes a member, employee, or officer
2 of a paid, partially-paid, or volunteer fire or police department,
3 force, company or district, including the State Police, a Community
4 Emergency Response Team approved by the New Jersey Office of
5 Emergency Management, or a correctional facility, or a basic or
6 advanced medical technician of a first aid or rescue squad, or any
7 other nurse, basic or advanced medical technician.

8
9 2. If, during the public health emergency declared by an
10 executive order of the Governor and any extension of the order, an
11 individual contracts coronavirus disease 2019 during a time period
12 in which the individual is working in a place of employment other
13 than the individual's own residence as a health care worker, public
14 safety worker, or other essential employee, there shall be a
15 rebuttable presumption that the contraction of the disease is work-
16 related and fully compensable for the purposes of benefits provided
17 under R.S.34:15-1 et seq., ordinary and accidental disability
18 retirement, and any other benefits provided by law to individuals
19 suffering injury or illness through the course of their employment.
20 This prima facie presumption may be rebutted by a preponderance
21 of the evidence showing that the worker was not exposed to the
22 disease while working in the place of employment other than the
23 individual's own residence.

24
25 3. Any workers' compensation claims paid according to section
26 2 of this act shall not be considered in calculating an employer's
27 Experience Modification Factor, pursuant to the New Jersey
28 Workers' Compensation and Employers Liability and Insurance
29 Manual administered by the Compensation Rating and Inspection
30 Bureau established by section 2 of P.L.1995, c.393 (C.34:15-89.1)
31 and section 1 of P.L.2008, c.97 (C. 34:15-90.1).

32
33 4. This act is intended to affirm certain rights of essential
34 employees under the circumstances specified in this act, and shall
35 not be construed as reducing, limiting or curtailing any rights of any
36 worker or employee to benefits provided by law.

37
38 5. This act shall take effect immediately and shall be
39 retroactive to March 9, 2020.