

ASSEMBLY, No. 4496

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 10, 2020

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Prohibits payment of workers' compensation benefits for injury related to contraction of virus except in circumstance when employer commits gross negligence.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning workers' compensation benefits for injuries
2 related to contraction of a virus and amending R.S.34:15-1 and
3 R.S.34:15-5.

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

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8 1. R.S.34:15-1 is amended to read as follows:

9 R.S.34:15-1. a. When personal injury is caused to an employee
10 by accident arising out of and in the course of his employment, of
11 which the actual or lawfully imputed negligence of the employer is
12 the natural and proximate cause, he shall receive compensation
13 therefor from his employer, provided the employee was himself not
14 willfully negligent at the time of receiving such injury, and the
15 question of whether the employee was willfully negligent shall be
16 one of fact to be submitted to the jury, subject to the usual
17 superintending powers of a court to set aside a verdict rendered
18 contrary to the evidence.

19 b. Notwithstanding the provisions of subsection a. of this
20 section, when an employee who is injured by contracting a virus
21 arising out of and in the course of employment, the employee shall
22 be prohibited from receiving compensation therefor from the
23 employer unless the contraction of the virus was the result of gross
24 negligence of the employer.

25 (cf: R.S.34:15-1)

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27 2. R.S.34:15-5 is amended to read as follows.

28 R.S.34:15-5. In all actions at law brought pursuant to this
29 article, the burden of proof to establish willful negligence of the
30 injured employee shall be upon the defendant; except that, when an
31 employee brings an action for an injury sustained related to the
32 employee contracting a virus in the course of employment, the
33 burden of proof to establish gross negligence of the employer as
34 required by subsection b. of R.S. 34:15-1 shall be upon the plaintiff.

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36 3. This act shall take effect immediately and shall apply to all
37 claims filed on or after the date of enactment.

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40 STATEMENT

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42 This bill provides that an employee who suffers an injury as a
43 result of contracting a virus in the course of employment is
44 prohibited from receiving workers' compensation benefits for the
45 injury unless the contraction of the virus was the result of gross

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 negligence of the employer. The employee will have the burden to
- 2 demonstrate that the employee contracted the virus as a result of the
- 3 employer's gross negligence.