

ASSEMBLY, No. 5442

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 8, 2021

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen Karabinchak and Stanley

SYNOPSIS

Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning accidental disability benefits from the State-
2 administered retirement systems and amending various parts of
3 the statutory law.

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

7
8 1. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to
9 read as follows:

10 10. a. Upon the written application by a member in service, by
11 one acting in his behalf or by the State, any member may be retired,
12 not less than 1 month next following the date of filing such
13 application, on an accidental disability retirement allowance,
14 provided, that the medical board, after a medical examination of
15 such member, shall certify that the member is permanently and
16 totally disabled as a direct result of a traumatic event occurring
17 during and as a result of the performance of his regular or assigned
18 duties and that such disability was not the result of the member's
19 willful negligence and that such member is mentally or physically
20 incapacitated for the performance of his usual duties in the Division
21 of State Police which the Superintendent of State Police is willing
22 to assign to him.

23 A preexisting and asymptomatic condition of a member that is
24 rendered symptomatic due to a traumatic event occurring during
25 and as a result of the performance of regular or assigned duties shall
26 be deemed a direct result of the traumatic event for the purposes of
27 this subsection.

28 The application to accomplish such retirement must be filed
29 within 5 years of the original traumatic event, but the board of
30 trustees may consider an application filed after the 5-year period if
31 it can be factually demonstrated to the satisfaction of the board of
32 trustees that the disability is due to the accident and the filing was
33 not accomplished within the 5-year period due to a delayed
34 manifestation of the disability or to the member's continued
35 employment in a restricted capacity consistent with the nature of his
36 disability in the Division of the State Police upon and at the written
37 request of the superintendent, with the concurrence of the Attorney
38 General, or to other circumstances beyond the control of the
39 member. Any member who was previously denied accidental
40 disability benefits because they had a preexisting and asymptomatic
41 condition which was rendered symptomatic due to a traumatic event
42 during their regular or assigned duties may have their retirement
43 amended to an accidental disability retirement by filing for
44 reconsideration to the Board of Trustees if their application was
45 denied in the last 10 years. Applications for reconsideration

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 pursuant to this provision will not be subject to the 5-year filing
2 period so long as the initial application was timely filed.

3 b. Upon retirement for accidental disability, a member shall
4 receive an accidental disability retirement allowance which shall
5 consist of:

6 (1) An annuity which shall be the actuarial equivalent of his
7 aggregate contributions and

8 (2) A pension in the amount which, when added to the member's
9 annuity, will provide a total retirement allowance of 2/3 of his final
10 compensation.

11 c. Upon the receipt of proper proofs of the death of a member
12 who has retired on an accidental disability retirement allowance,
13 there shall be paid to the member's beneficiary, an amount equal to
14 3 1/2 times the final compensation received by the member in the
15 last year of creditable service; provided, however, that if such death
16 shall occur after the member shall have attained 55 years of age the
17 amount payable shall equal 1/2 of such compensation instead of 3
18 1/2 times such compensation.

19 d. Permanent and total disability resulting from a
20 cardiovascular, pulmonary or musculoskeletal condition which was
21 not a direct result of a traumatic event occurring in the performance
22 of duty shall be deemed an ordinary disability.

23 e. (1) For purposes of this subsection:

24 "Qualifying condition or impairment of health" includes:

25 diseases of the upper respiratory tract and mucosae, including
26 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
27 laryngitis, vocal cord disease, upper airway hyper-reactivity and
28 tracheo-bronchitis, or a combination of such conditions;

29 diseases of the lower respiratory tract, including but not limited
30 to bronchitis, asthma, reactive airway dysfunction syndrome, and
31 different types of pneumonitis, such as hypersensitivity,
32 granulomatous, or eosinophilic;

33 diseases of the gastroesophageal tract, including esophagitis and
34 reflux disease, either acute or chronic, caused by exposure or
35 aggravated by exposure;

36 diseases of the psychological axis, including post-traumatic
37 stress disorder, anxiety, depression, or any combination of such
38 conditions;

39 diseases of the skin such as contact dermatitis or burns, either
40 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
41 non-specific reactive in nature, caused by exposure or aggravated
42 by exposure; and

43 new onset diseases resulting from exposure as such diseases
44 occurring in the future including cancer, chronic obstructive
45 pulmonary disease, asbestos-related disease, heavy metal poisoning,
46 musculoskeletal disease and chronic psychological disease.

47 "World Trade Center rescue, recovery, or cleanup operations"
48 means the rescue, recovery, or cleanup operations at the World

1 Trade Center site between September 11, 2001 and October 11,
2 2001.

3 "World Trade Center site" means any location below a line
4 starting from the Hudson River and Canal Street, east on Canal
5 Street to Pike Street, south on Pike Street to the East River, and
6 extending to the lower tip of Manhattan.

7 (2) Notwithstanding any provision of subsection a. of this
8 section or any other law to the contrary, for a member who
9 participated, whether or not under orders or instruction by an
10 employer to so participate, in World Trade Center rescue, recovery,
11 or cleanup operations for a minimum of eight hours, permanent and
12 total disability resulting from a qualifying condition or impairment
13 of health shall be presumed to have occurred during and as a result
14 of the performance of the member's regular or assigned duties and
15 not the result of the member's willful negligence, unless the
16 contrary can be proved by competent evidence.

17 A member who did not participate in such operations for a
18 minimum of eight hours shall be eligible for the presumption
19 provided that:

20 the member participated in the rescue, recovery, or cleanup
21 operations at the World Trade Center site between September 11,
22 2001 and September 12, 2001;

23 the member sustained a documented physical injury at the World
24 Trade Center site between September 11, 2001 and September 12,
25 2001 that is a qualifying condition or impairment of health resulting
26 in a disability to the member that prevented the member from
27 continuing to participate in World Trade Center rescue, recovery, or
28 cleanup operations for a minimum of eight hours; and

29 the documented physical injury that resulted in a disability to the
30 member that prevented the member from continuing to participate
31 in World Trade Center rescue, recovery, or cleanup operations for a
32 minimum of eight hours is the qualifying condition or impairment
33 of health for which the member seeks a presumption under this
34 subsection.

35 In order to be eligible for the presumption provided under this
36 subsection, a member shall have successfully passed a physical
37 examination for entry into public service which failed to disclose
38 evidence of the qualifying condition or impairment of health that
39 formed the basis for the permanent and total disability.

40 (3) A member who participated in the World Trade Center
41 rescue, recovery, or cleanup operations for a minimum of eight
42 hours and subsequently retired on a service retirement or an
43 ordinary disability retirement and thereafter incurred a disability
44 caused by a qualifying condition or impairment of health which the
45 medical board determines to be caused by participation in World
46 Trade Center rescue, recovery, or cleanup operations shall be
47 eligible to apply to the board of trustees to have the retiree's
48 retirement allowance recalculated as an accidental disability

1 retirement allowance for benefit payments on or after the date of the
2 application, provided the retiree filed an application for such
3 recalculation within 30 days of the date that the retiree knew or
4 should have known of the existence of such disability and its
5 relation to the rescue, recovery, or cleanup operations. In order to
6 be eligible for such recalculation, the retiree shall have successfully
7 passed a physical examination for entry into public service which
8 failed to disclose evidence of the qualifying condition or
9 impairment of health that formed the basis for the disability.

10 (4) The board of trustees shall promulgate rules and regulations
11 necessary to implement the provisions of this subsection and shall
12 notify members and retirants in the retirement system of the
13 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

14 A member or retiree shall not be eligible for the presumption or
15 recalculation under this subsection unless within two years of the
16 effective date of this act, P.L.2019, c.157, the member or retiree
17 files a written and sworn statement with the retirement system on a
18 form provided by the board of trustees thereof indicating the dates
19 and locations of service.

20 (5) This subsection shall apply regardless of whether the
21 member or retiree, who is otherwise eligible, was enrolled in the
22 retirement system at the time of participation in World Trade Center
23 rescue, recovery, or cleanup operations as specified herein
24 (cf: P.L.2019, c.157, s.3)

25

26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill provides that a member of the State Police Retirement
32 System (SPRS) may be eligible for an accidental disability
33 retirement allowance if the member becomes permanently and
34 totally disabled because a preexisting and asymptomatic condition
35 that the member had previously that is later rendered symptomatic
36 as a direct result of a traumatic event occurring during and as a
37 result of the performance of regular or assigned duties.