

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 2380

STATE OF NEW JERSEY

DATED: MAY 12, 2020

The Senate Labor Committee reports favorably, a Senate Committee Substitute for Senate Bill No. 2380.

This bill creates a rebuttable presumption that coronavirus disease 2019 contracted by health care workers, public safety workers, and other essential employees, is work-related and fully compensable for the purpose of workers' compensation benefits and other employment benefits provided for work-related injuries and illnesses.

The bill defines "essential employee" as an employee in the public or private sector who, during a state of emergency:

1. is a public safety worker or first responder, including any fire, police or other emergency responders;
2. is involved in providing medical and other healthcare services, emergency transportation, social services, and other care services, including services provided in health care facilities, residential facilities, or homes;
3. performs functions which involve physical proximity to members of the public and are essential to the public's health, safety, and welfare, including transportation services, hotel and other residential services, financial services, and the production, preparation, storage, sale, and distribution of essential goods such as food, beverages, medicine, fuel, and supplies for conducting essential business and work at home; or
4. is any other employee deemed an essential employee by the public authority declaring the state of emergency.

The bill provides that workers' compensation claims paid as a result of the rebuttable presumption provided by the bill shall not be considered in calculating an employer's Experience Modifier Rate or otherwise affect an employer's insurance premium rate for the employer's workers' compensation policy.

The bill is retroactive to March 9, 2020, the date of Governor Murphy's declaration of state of emergency with respect to the coronavirus disease 2019 pandemic.