

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2430**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED JUNE 25, 2020

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**  
**Senator PATRICK J. DIEGNAN, JR.**  
**District 18 (Middlesex)**

**Co-Sponsored by:**

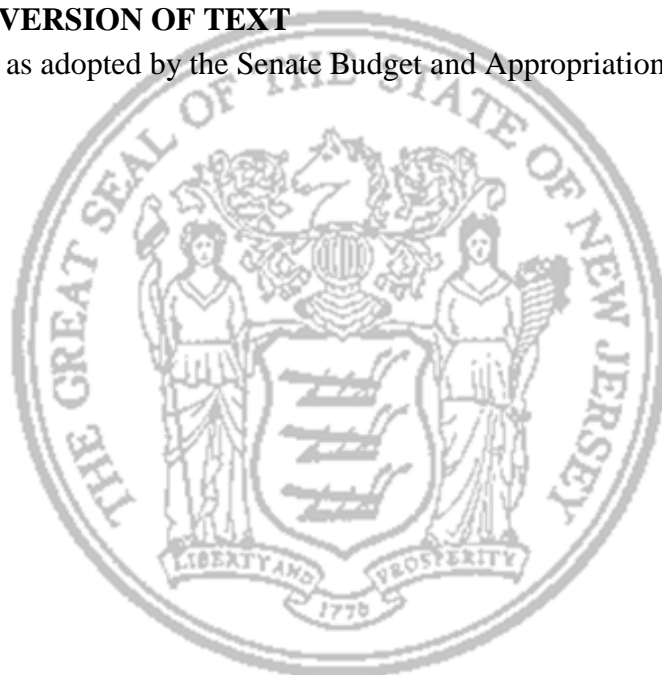
**Senator O'Scanlon**

**SYNOPSIS**

Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS, and PERS members who contract COVID-19 and test positive for SARS-CoV-2.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Budget and Appropriations Committee.



SCS for **S2430** GREENSTEIN, DIEGNAN

1 **AN ACT** concerning eligibility for accidental disability and  
2 accidental death benefits for certain members of the Police and  
3 Firemen's Retirement System, the Public Employees' Retirement  
4 System, and the State Police Retirement System who contract  
5 COVID-19 and test positive for SARS-CoV-2 and supplementing  
6 P.L.1944, c.255 (C.43:16A-1 et seq.), P.L.1954, c.84 (C.43:15A-  
7 1 et seq.), and P.L.1965, c.89 (C.53:5A-1 et seq.).  
8

9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:  
11

12 1. For purposes of paragraph (1) of subsection a. of section 7  
13 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall  
14 be deemed to have occurred as a direct result of a traumatic event  
15 occurring during and as a result of the performance of regular or  
16 assigned duties if:

17 the member contracts COVID-19 and tests positive for SARS-  
18 CoV-2 during the public health emergency in the State declared by  
19 the Governor in Executive Order No. 103 of 2020 and as extended;

20 the member is permanently and totally disabled as a result of  
21 COVID-19; and

22 the member's regular or assigned duties required the member to  
23 interact, and the member so interacted, with the public or to directly  
24 supervise other personnel so interacting with the public on any date  
25 during the public health emergency in the State declared by the  
26 Governor in Executive Order No. 103 of 2020 and as extended and  
27 within 14 calendar days prior to the appearance of symptoms  
28 consistent with COVID-19 that shall have been confirmed in  
29 writing by a licensed health care provider on a form approved by  
30 the board of trustees and also confirmed by a positive test result for  
31 SARS-CoV-2.

32 A member who retired during the public health emergency  
33 declared by the Governor in Executive Order No. 103 of 2020 and  
34 as extended, and has been approved for a retirement allowance  
35 pursuant to a provision other than this section or section 7 of  
36 P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act,  
37 P.L. , c. (pending before the Legislature as this bill), may apply  
38 for a retirement allowance pursuant to this section and, if approved,  
39 the prior approval shall be rescinded and the retirement allowance  
40 pursuant to approval under this section shall be made retroactive to  
41 the date of the initial approval of the rescinded retirement  
42 allowance.

43 This section shall not apply to any member who has retired and  
44 subsequently returned to employment pursuant to Executive Order  
45 No. 115 of 2020 or any other executive order similarly permitting a  
46 retired member to return to employment without reenrollment to  
47 assist during the public health emergency and state of emergency.

1 New onset diseases and chronic psychological disease resulting  
2 from prior exposure to, and recovery from, COVID-19 shall not be  
3 deemed a permanent and total disability resulting from COVID-19.

4  
5 2. For purposes of paragraph (1) of section 10 of  
6 P.L.1944, c.255 (C.43:16A-10), a member whose death is  
7 attributable to COVID-19, complications therefrom, or the  
8 aggravation or acceleration of a preexisting condition caused  
9 thereby shall be deemed to have occurred as the result of an  
10 accident met in the actual performance of duty at some definite time  
11 and place if:

12 the member contracted COVID-19 and the member's death  
13 occurs after receiving a positive test result for SARS-CoV-2 during  
14 the public health emergency in the State declared by the Governor  
15 in Executive Order No. 103 of 2020 and as extended;

16 the member dies as a result of COVID-19; and

17 the member's regular or assigned duties required the member to  
18 interact, and the member so interacted, with the public or to directly  
19 supervise other personnel so interacting with the public on any date  
20 during the public health emergency in the State declared by the  
21 Governor in Executive Order No. 103 of 2020 and as extended and  
22 within 14 calendar days prior to the appearance of symptoms  
23 consistent with COVID-19 that shall have been confirmed in  
24 writing by a licensed health care provider on a form approved by  
25 the board of trustees and also confirmed by a positive test result for  
26 SARS-CoV-2.

27 The filing of an accident report with the Police and Firemen's  
28 Retirement System shall not be required for an accidental death  
29 benefit allowed pursuant to this section.

30 If a member dies during the public health emergency in the State  
31 declared by the Governor on Executive Order No. 103 of 2020 and  
32 as extended and the benefit has been approved pursuant to a  
33 provision other than this section or section 10 of P.L.1944, c.255  
34 (C.43:16A-10) prior to the effective date of this act,  
35 P.L. , c. (pending before the Legislature as this bill), a  
36 beneficiary may apply for a benefit pursuant to this section and, if  
37 approved, the prior approval shall be rescinded and the benefit  
38 pursuant to approval under this section shall be made retroactive to  
39 the date of the initial approval of the rescinded benefit.

40 This section shall not apply to any member who has retired and  
41 subsequently returned to employment pursuant to Executive Order  
42 No. 115 of 2020 or any other executive order similarly permitting a  
43 retired member to return to employment without reenrollment to  
44 assist during the public health emergency and state of emergency.

45  
46 3. As used in this section, "law enforcement officer" includes,  
47 but shall not be limited to, sheriff's officers and corrections  
48 officers.

1 For purposes of subsection a. of section 43 of P.L.1954, c.84  
2 (C.43:15A-43), permanent and total disability of a member who is a  
3 law enforcement officer, firefighter, or emergency medical  
4 responder eligible to retire pursuant to that subsection a. shall be  
5 deemed to have occurred as a direct result of a traumatic event  
6 occurring during and as a result of the performance of regular or  
7 assigned duties if:

8 the law enforcement officer, firefighter, or emergency medical  
9 responder contracts COVID-19 and tests positive for SARS-CoV-2  
10 during the public health emergency in the State declared by the  
11 Governor in Executive Order No. 103 of 2020 and as extended;

12 the law enforcement officer, firefighter, or emergency medical  
13 responder is permanently and totally disabled as a result of  
14 COVID-19; and

15 the law enforcement officer, firefighter, or emergency medical  
16 responder's regular or assigned duties required the law enforcement  
17 officer, firefighter, or emergency medical responder to interact, and  
18 the law enforcement officer, firefighter, or emergency medical  
19 responder so interacted, with the public or to directly supervise  
20 other personnel so interacting with the public on any date during the  
21 public health emergency in the State declared by the Governor in  
22 Executive Order No. 103 of 2020 and as extended and within 14  
23 calendar days prior to the appearance of symptoms consistent with  
24 COVID-19 that shall have been confirmed in writing by a licensed  
25 health care provider on a form approved by the board of trustees  
26 and also confirmed by a positive test result for SARS-CoV-2.

27 A member who is a law enforcement officer, firefighter, or  
28 emergency medical responder and who retired during the public  
29 health emergency in the State declared by the Governor in  
30 Executive Order No. 103 of 2020 and as extended and has been  
31 approved for a retirement allowance pursuant to a provision other  
32 than this section or section 43 of P.L.1954, c.84 (C.43:15A-43)  
33 prior to the effective date of this act, P.L. , c. (pending before  
34 the Legislature as this bill), may apply for a retirement allowance  
35 pursuant to this section and, if approved, the prior approval shall be  
36 rescinded and the retirement allowance pursuant to approval under  
37 this section shall be made retroactive to the date of the initial  
38 approval of the rescinded retirement allowance.

39 This section shall not apply to any member who has retired and  
40 subsequently returned to employment pursuant to Executive Order  
41 No. 115 of 2020 or any other executive order similarly permitting a  
42 retired member to return to employment without reenrollment to  
43 assist during the public health emergency and state of emergency.

44 New onset diseases and chronic psychological disease resulting  
45 from prior exposure to, and recovery from, COVID-19 shall not be  
46 deemed a permanent and total disability resulting from COVID-19.

1       4. As used in this section, “law enforcement officer” includes,  
2 but shall not be limited to, sheriff’s officers and corrections  
3 officers.

4       For purposes of paragraph (1) of subsection a. of section 49 of  
5 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement  
6 officer, firefighter, or emergency medical responder and whose  
7 death is attributable to COVID-19, complications therefrom, or the  
8 aggravation or acceleration of a preexisting condition caused  
9 thereby shall be deemed to have occurred as the result of an  
10 accident met in the actual performance of duty at some definite time  
11 and place if:

12       the law enforcement officer, firefighter, or emergency medical  
13 responder contracted COVID-19 and the member’s death occurs  
14 after receiving a positive test result for SARS-CoV-2 during the  
15 public health emergency in the State declared by the Governor in  
16 Executive Order No. 103 of 2020 and as extended;

17       the law enforcement officer, firefighter, or emergency medical  
18 responder dies as a result of COVID-19; and

19       the law enforcement officer, firefighter, or emergency medical  
20 responder’s regular or assigned duties required the law enforcement  
21 officer, firefighter, or emergency medical responder to interact, and  
22 the law enforcement officer, firefighter, or emergency medical  
23 responder so interacted, with the public or to directly supervise  
24 other personnel so interacting with the public on any date during the  
25 public health emergency in the State declared by the Governor in  
26 Executive Order No. 103 of 2020 and as extended and within 14  
27 calendar days prior to the appearance of symptoms consistent with  
28 COVID-19 that shall have been confirmed in writing by a licensed  
29 health care provider on a form approved by the board of trustees  
30 and also confirmed by a positive test result for SARS-CoV-2.

31       The filing of an accident report with the Public Employees’  
32 Retirement System shall not be required for an accidental death  
33 benefit allowed pursuant to this section.

34       If a member dies during the public health emergency in the State  
35 declared by the Governor in Executive Order No. 103 of 2020 and  
36 as extended and the benefit has been approved pursuant to a  
37 provision other than this section or section 49 of P.L.1954, c.84  
38 (C.43:15A-49) prior to the effective date of this act,  
39 P.L. , c. (pending before the Legislature as this bill), a  
40 beneficiary may apply for a benefit pursuant to this section and, if  
41 approved, the prior approval shall be rescinded and the benefit  
42 pursuant to approval under this section shall be made retroactive to  
43 the date of the rescinded initial approval.

44       This section shall not apply to any member who has retired and  
45 subsequently returned to employment pursuant to Executive Order  
46 No. 115 of 2020 or any other executive order similarly permitting a  
47 retired member to return to employment without reenrollment to  
48 assist during the public health emergency and state of emergency.

1       5. For purposes of subsection a. of section 10 of  
2 P.L.1965, c.89 (C.53:5A-10), permanent and total disability shall be  
3 deemed to have occurred as a direct result of a traumatic event  
4 occurring during and as a result of the performance of regular or  
5 assigned duties if:

6       the member contracts COVID-19 and tests positive for SARS-  
7 CoV-2 during the public health emergency in this State declared by  
8 the Governor in Executive Order No. 103 of 2020 and as extended;

9       the member is permanently and totally disabled as a result of  
10 COVID-19; and

11       the member's regular or assigned duties required the member to  
12 interact, and the member so interacted, with the public or to directly  
13 supervise other personnel so interacting with the public on any date  
14 during the public health emergency in this State declared by the  
15 Governor in Executive Order No. 103 of 2020 and as extended and  
16 within 14 calendar days prior to the appearance of symptoms  
17 consistent with COVID-19 that shall have been confirmed in  
18 writing by a licensed health care provider on a form approved by  
19 the board of trustees and also confirmed by a positive test result for  
20 SARS-CoV-2.

21       A member who retired during the public health emergency in the  
22 State declared by the Governor in Executive Order No. 103 of 2020  
23 and as extended and has been approved for a retirement allowance  
24 pursuant to a provision other than this section or section 10 of  
25 P.L.1965, c.89 (C.53:5A-10) prior to the effective date of this act,  
26 P.L. , c. (pending before the Legislature as this bill), may apply  
27 for a retirement allowance pursuant to this section and, if approved,  
28 the prior approval shall be rescinded and the retirement allowance  
29 pursuant to approval under this section shall be made retroactive to  
30 the date of the initial approval of the rescinded retirement  
31 allowance.

32       This section shall not apply to any member who has retired and  
33 subsequently returned to employment pursuant to Executive Order  
34 No. 115 of 2020 or any other executive order similarly permitting a  
35 retired member to return to employment without reenrollment  
36 during the public health emergency and state of emergency.

37       New onset diseases and chronic psychological disease resulting  
38 from prior exposure to, and recovery from, COVID-19 shall not be  
39 deemed a permanent and total disability resulting from COVID-19.  
40

41       6. For purposes of subsection a. of section 14 of P.L.1965, c.89  
42 (C.53:5A-14), a member whose death is attributable to COVID-19,  
43 complications therefrom, or the aggravation or acceleration of a  
44 preexisting condition caused thereby shall be deemed to have  
45 occurred as the result of an accident met in the actual performance  
46 of duty at some definite time and place if:

47       the member contracted COVID-19 and the member's death  
48 occurs after receiving a positive test result for SARS-CoV-2 during

1 the public health emergency in this State declared by the Governor  
2 in Executive Order No. 103 of 2020 and as extended;  
3 the member dies as a result of COVID-19 ; and  
4 the member's regular or assigned duties required the member to  
5 interact, and the member so interacted, with the public or to directly  
6 supervise other personnel so interacting with the public on any date  
7 during the public health emergency in this State declared by the  
8 Governor in Executive Order No. 103 of 2020 and as extended and  
9 within 14 calendar days prior to the appearance of symptoms  
10 consistent with COVID-19 that shall have been confirmed in  
11 writing by a licensed health care provider on a form approved by  
12 the board of trustees and also confirmed by a positive test result for  
13 SARS-CoV-2.

14 The filing of an accident report with the State Police Retirement  
15 System shall not be required for an accidental death benefit allowed  
16 pursuant to this section.

17 If a member dies during the public health emergency in the State  
18 declared by the Governor in Executive Order No. 103 of 2020 and  
19 as extended and the benefit has been approved pursuant to a  
20 provision other than this section or section 14 of P.L.1965, c.89  
21 (C.53:5A-14) prior to the effective date of this act,  
22 P.L. , c. (pending before the Legislature as this bill), a  
23 beneficiary may apply for a benefit pursuant to this section and, if  
24 approved, the prior approval shall be rescinded and the benefit  
25 pursuant to approval under this section shall be made retroactive to  
26 the date of the initial approval of the rescinded benefit.

27 This section shall not apply to any member who has retired and  
28 subsequently returned to employment pursuant to Executive Order  
29 No. 115 of 2020 or any other executive order similarly permitting a  
30 retired member to return to employment without reenrollment to  
31 assist during the public health emergency and state of emergency.  
32

33 7. The Division of Pension and Benefits in the Department of  
34 the Treasury, and the board of trustees in the case of the Police and  
35 Firemen's Retirement System, shall notify all members of the  
36 Police and Firemen's Retirement System, all law enforcement  
37 officer, firefighter and emergency medical responder members of  
38 the Public Employees' Retirement System, and all members of the  
39 State Police Retirement System who are enrolled in those respective  
40 retirement systems on the effective date of this act, P.L. , c.  
41 (pending before the Legislature as this bill), of the provisions of this  
42 act. The division, and the board of trustees in the case of the Police  
43 and Firemen's Retirement System, shall also notify all members  
44 who retired on or after March 9, 2020 and all beneficiaries of  
45 members who died on or after March 9, 2020 of the provisions of  
46 this act.

1       The division, and the board of trustees in the case of the Police  
2 and Firemen's Retirement System, shall provide the required notice  
3 within 30 days after the effective date of this act.

4  
5       8. Notwithstanding any provision of the "Administrative  
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the  
7 contrary, the board of trustees for the Police and Firemen's  
8 Retirement System, for the Public Employees' Retirement System  
9 and for the State Police Retirement System, during the 90-day  
10 period following the effective date of this act,  
11 P.L. , c. (pending before the Legislature as this bill), may  
12 adopt, amend, or repeal any rule or regulation on an emergency  
13 basis for a period not to exceed 180 days for the purpose of the  
14 expeditious and effective implementation of the provisions of this  
15 act. Any emergency rule or regulation authorized by this section  
16 shall be subject to such terms and conditions as a board of trustees  
17 may deem appropriate. Such emergency rules or regulations shall  
18 be effective when published by the board on the website of the  
19 Department of the Treasury, and on the website of the board of  
20 trustees in the case of the Police and Firemen's Retirement System.  
21 Notice of any emergency rule or regulation pursuant to this section  
22 shall be published in the New Jersey Register not later than 30 days  
23 subsequent to the implementation of the emergency rules or  
24 regulations.

25  
26       9. This act shall take effect immediately and shall be  
27 retroactive to March 9, 2020.