

SENATE, No. 3529

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 9, 2021

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Senator DAWN MARIE ADDIEGO

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Senator PATRICK J. DIEGNAN, JR.

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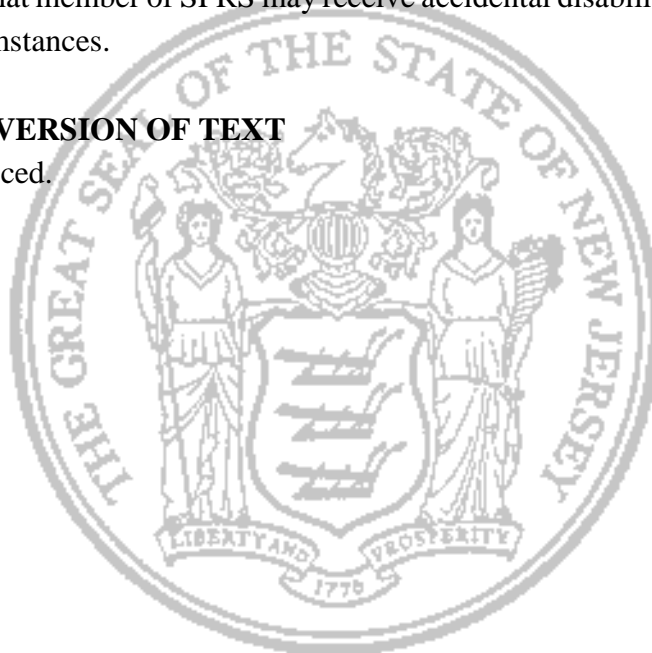
Senators Greenstein, O'Scanlon, Assemblymen Karabinchak and Stanley

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2022)

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 read
9 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 such
15 member, shall certify that the member is permanently and totally
16 disabled as a direct result of a traumatic event occurring during and
17 as a result of the performance of his regular or assigned duties and
18 that such disability was not the result of the member's willful
19 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 to
22 assign to him.

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

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

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 be subject to the 5-year filing period so long as the initial application
2 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 3
14 1/2 times the final compensation received by the member in the last
15 year of creditable service; provided, however, that if such death shall
16 occur after the member shall have attained 55 years of age the amount
17 payable shall equal 1/2 of such compensation instead of 3 1/2 times
18 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 to
30 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 stress
37 disorder, anxiety, depression, or any combination of such conditions;

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

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

46 "World Trade Center rescue, recovery, or cleanup operations"
47 means the rescue, recovery, or cleanup operations at the World Trade
48 Center site between September 11, 2001 and October 11, 2001.

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

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

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

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

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

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

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

38 (3) A member who participated in the World Trade Center rescue,
39 recovery, or cleanup operations for a minimum of eight hours and
40 subsequently retired on a service retirement or an ordinary disability
41 retirement and thereafter incurred a disability caused by a qualifying
42 condition or impairment of health which the medical board
43 determines to be caused by participation in World Trade Center
44 rescue, recovery, or cleanup operations shall be eligible to apply to
45 the board of trustees to have the retiree's retirement allowance
46 recalculated as an accidental disability retirement allowance for
47 benefit payments on or after the date of the application, provided the
48 retiree filed an application for such recalculation within 30 days of

1 the date that the retiree knew or should have known of the existence
2 of such disability and its relation to the rescue, recovery, or cleanup
3 operations. In order to be eligible for such recalculation, the retiree
4 shall have successfully passed a physical examination for entry into
5 public service which failed to disclose evidence of the qualifying
6 condition or impairment of health that formed the basis for the
7 disability.

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

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

18 (5) This subsection shall apply regardless of whether the member
19 or retiree, who is otherwise eligible, was enrolled in the retirement
20 system at the time of participation in World Trade Center rescue,
21 recovery, or cleanup operations as specified herein

22 (cf: P.L.2019, c.157, s.3)

23

24 2. This act shall take effect immediately.

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26

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STATEMENT

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