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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

RUSSELL WOJTENKO, JR.
Director & Chief Judge

MEMORANDUM

December 17, 2019

To: Notice to the Bar, Workers' Compensation Insurance Carriers, and Self-insured Employers

From: Russell Wojtenko, Jr. 
Director and Chief Judge of Compensation

Subject: Supplemental Benefits
Dependents of Public Safety Workers (N.J.S.A. 34:15-95.6)

On June 17, 2019, Governor Philip Murphy signed into law Senate Bill S1967 (N.J.S.A. 34:15-95.6) providing supplemental benefits to the dependents of public safety workers. This new law defines a public safety worker as a member, employee, or officer of a paid, partially-paid or volunteer or police department, force, company or district, including the State Police or a first aid or rescue squad. These supplemental benefits shall be paid by the Second Injury Fund, a part of the N.J. Division of Workers' Compensation - Office of Special Compensation Funds.

Under this new law, all insurance carriers and self-insured employers responsible for the payment of workers' compensation death benefits to dependents of public safety workers shall provide the N.J. Division of Workers' Compensation - Office of Special Compensation Funds with the identities, including current mailing addresses, of said dependents, together with a copy of the formal award of dependency benefits and the calculation of the supplemental benefits to be paid by the Second Injury Fund, no later than the 60th day after the date on which it is determined that the payment of supplemental benefits to these dependent is required pursuant to this legislation. To aid and assist in this process, we have posted Public Safety Worker Data Summary Forms on the Division's website for you to complete and send to the Office of Special Compensation Funds in order to process these claims.

Failure to timely provide said information, including the correct calculation of benefits, to the Office of Special Compensation Funds resulting in the payment of an incorrect amount of benefits, shall result in the individual insurance carrier or self-insured employer's liability for payment of said supplemental benefits. Please note that it is also the responsibility of the individual insurance carrier or self-insured employer to obtain all social security benefits information before completing the calculation for supplemental benefits. To aid and assist in

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the calculation of benefits, we have posted a Supplemental Benefits Calculation Form on the Division's website.

This new legislation only provides for payment of supplemental benefits to those dependents who were formally awarded dependency benefits by a Judge of Compensation in the N.J. Division of Workers' Compensation. The Second Injury Fund will not pay supplemental benefits to those individuals who receive a voluntary tender of dependency benefits directly from the insurance carrier or self-insured employer, unless said voluntary payments are converted to a formal award approved by a Judge of Compensation.

If dependents of a public safety worker have not received a formal dependency award from a N.J. Judge of Compensation, but rather are receiving voluntary tendered dependency benefits, and wish to qualify for the new supplemental benefits, a Dependency Claim Petition to Convert Voluntary Tender to Formal Judgment Pursuant to N.J.S.A. 34:15-95.6 must be filed with the N.J. Division of Workers' Compensation. A copy of this form can be found on our website. Once this claim petition is filed, the case will be assigned to a Supervising Judge of Compensation in accordance with our Court rules for the purpose of converting the voluntary tender to a formal dependency award in accordance with New Jersey law. Then, a claim for supplemental benefits will be processed as set forth above. If dependents have any questions or concerns regarding this process, they should immediately consult with a New Jersey workers' compensation attorney.

For more information regarding the above, please contact Melpomene Kotsines, Administrator of the Office of Special Compensation Funds at (609) 292-0165.