

Amendments make this bill
identical to A-12 (2R) Aca

ASSEMBLY POLICY AND REGULATORY OVERSIGHT
COMMITTEE

AMENDMENTS

to

[Second Reprint]

SENATE, No. 36

(Sponsored By Senators Bryant and Bassano)

REPLACE SECTION 11 TO READ:

²11. Participation ³by a recipient³ in a community work experience or alternative work experience provided by ³[the State, or by a county or municipality, or a board, commission or agency thereof, or by a private nonprofit or private charitable employer.] a sponsor³ pursuant to this act shall not be considered employment for any purpose, except that:

a. It shall be regarded as employment for the purposes of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), and the sponsor, not the program, shall be deemed the employer for purposes of any action brought under that act; ³[and]³

b. ³It shall be regarded as employment for the purposes of the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.) if the sponsor is a public employer subject to that act;

c. It shall be regarded as employment for the purposes of the "Conscientious Employee Protection Act," P.L.1986, c.105 (C.34:19-1 et seq.), and the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.);

d. ³ It shall be regarded as employment for the purposes of chapter 15 of Title 34 of the Revised Statutes, subject to the provisions of section 12 of this act ³; and

e. The recipient shall be entitled, to the same degree as any similarly-situated employee of the sponsor, to family leave pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and family and medical leave pursuant to federal law^{3, 2}

Rock Engler

ADOPTED

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REPLACE SECTION 12 TO READ:

²12. For the purposes of chapter 15 of Title 34 of the Revised Statutes, a recipient who participates in a community work experience or alternative work experience shall be regarded as an employee of the State and ³the sponsor. The recipient and the dependents of the recipient³ shall be provided by the State with ³[the] all³ compensation required ³, and defenses and remedies available, ³pursuant to that chapter, except for ³: (1) compensation provided for³ temporary disability ³[provided]³ pursuant to subsection a. of R.S.34:15-12 ³; and (2) medical and hospital services provided pursuant to R.S.34:15-15 unless the recipient becomes ineligible for medical assistance under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.)³. In the event that it is determined that the recipient has been subject to an injury or illness producing a temporary disability, the program shall not provide compensation pursuant to subsection a. of R.S.34:15-12, but the recipient shall receive cash benefits from the program and shall be deferred from the work activity requirements as provided in subsection e. of section 8 of P.L. , c. (C.) (pending before the Legislature as this bill). Notwithstanding any other provision of law, the recipient shall be exempted from the 60-month time limit provided pursuant to section 2 of P.L. , c. (C.)(pending before the Legislature³ of Senate Bill No. 35 of 1996) ³[for a period of not more than] during the first³ 90 days ³[for] of³ each period of temporary disability subject to the provisions of this section. When determining the amount of any compensation provided pursuant to chapter 15 of Title 34 of the Revised Statutes other than ³compensation for³ temporary disability, the amount of compensation shall be ³[based on the average weekly wage paid in the county for the class of work done by the recipient, as determined by the Commissioner of Labor] calculated as if the recipient's weekly wage was 60% of the ~~Statewide~~ average weekly wages earned by all employees covered by the Unemployment Compensation Law (R.S.43:21-1 et seq.)³. The program may provide this ³[benefit] compensation³ by ³appropriate means, including³ purchasing and serving as the master policyholder for any insurance, ³[by]³ self-insurance, or ³[by]³ an administrative services contract. Compensation received by a recipient pursuant to chapter 15 of Title 34 of the Revised Statutes ³for a disability which is caused by an injury or illness which arises out of and in the course of the community work experience or alternative work experience and which is permanent in quality and partial or total in character³ shall not be ³[deemed income within the meaning of that term as defined in section 3 of this act] regarded as earned income for the purposes of section 4 of P.L. , c. (C.)(now pending before the Legislature as Senate Bill No. 37 of 1996) and there shall not be a disregard for that amount in computing the cash assistance benefit provided to the

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recipient. Compensation received by a dependent of a recipient pursuant to chapter 15 of Title 34 of the Revised Statutes for the death of the recipient which is caused by an injury or illness which arises out of and in the course of the community work experience or alternative work experience shall not be regarded as earned income for the purposes of section 4 of P.L. , c. (C.)(now pending before the Legislature as Senate Bill No. 37 of 1996) and there shall not be a disregard for that amount in computing the cash assistance benefit provided to the dependent³ .²

REPLACE SECTION 13 TO READ:

²13. ³[If a] Any³ recipient participating in community work experience or alternative work experience ³or dependent of the recipient who³ is provided compensation ³, benefits, or both³ by the State ³in the manner required³ pursuant to section 12 of (P.L. , c. (C.)) (pending before the Legislature as this bill) ³[:

a. The recipient] for an injury, illness or death arising out of and in the course of the community work experience or alternative work experience ³ shall surrender any other method, form or amount of compensation ³or benefits from the sponsor or the State for that injury, illness or death³ ; and ³[b. The] the³ sponsor of the recipient ³[and] , the State and the employees of the sponsor³ shall not be liable for ³[an] the³ injury, illness or death for which the recipient ³or dependent of the recipient³ is provided the compensation ³, benefits or both, except for an intentional wrong³ .

As used in ³section 11 and 14 of this act and in³ this section, "sponsor" means a private nonprofit ³[or] employer,³ private charitable employer, ³[and any] or³ public employer ³[other than the State] that provides a community work experience or alternative work experience to a recipient³ .²

REPLACE SECTION 14 TO READ:

²14. The sole recourse of a person, other than a recipient or a sponsor, who is injured as a result of an act or omission of a recipient in connection with the recipient's community work experience or alternative work experience participation shall be to file an action against the program in ³[the Superior Court]a court of competent jurisdiction³ . The program shall have available all of the notice requirements and the defenses available to the State under the "New Jersey Tort Claims Act," ³[N.J.S.59:1-1 et seq.] ³P.L.1972, c.45 ³(C.59:1-1 et seq.),² except that the program shall not have available to it the defense that the recipient is not a public employee.

³[As used in this section, "sponsor" means a private nonprofit or private charitable employer, and any public employer.²]³