

## PA and NJ Give Special Consideration to Police and Fire Workers for COVID-19

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In previous alerts, we addressed potential presumptions in workers' compensation laws in Pennsylvania and New Jersey for essential employees (with broad and uncertain definitions of this category of workers). Aside from workers' compensation laws, there are other benefits provided to police and fire workers if the injury or illness is suffered in connection with their performance of these duties. Now, there have been additions to these benefit laws that specifically address COVID-19.

### New Jersey

In New Jersey, there are three (3) types of pension programs for police and fire workers: (1) Public Employees' Retirement System (PERS), (2) Police and Firemen's Retirement System (PFRS) and (3) State Police Retirement System (SPRS). The police and fire workers are entitled to these pensions based on work-related "traumatic events" that cause total and permanent disability or death. The benefits are significant, with 66% of the final compensation paid annually as a retirement benefit. If there is death, an additional lump sum is paid to the beneficiary in the amount of 3.5 times the final compensation.

To address COVID-19 specifically, Governor Phil Murphy signed into law some changes on July 1, 2020. First, COVID-19 symptoms must occur within 14 days of interacting with the public or when supervising others who interact with the public. For disability-related pension benefits, there must be a positive COVID-19 test result. For death benefits, the death must result from COVID-19. The contraction of the virus must have occurred during the public health emergency, which began on March 9, 2020.

### Pennsylvania

Under the Enforcement Officer Disability Benefits Law (aka the Pennsylvania Heart and Lung Act), full salary benefits are available when an accident occurs in the performance of police and fire job duties. This is paid on a more limited time frame than regular workers' compensation benefits, which will pick up when the Pennsylvania Heart and Lung Act benefits end.

To address COVID-19, Governor Tom Wolf signed into law Act 17 (the Act) on April 29, 2020. This adds COVID-19 as a basis for full salary benefits, limited up to 60 days.

To be eligible for this benefit, the contraction of the virus does not need to occur during the public health emergency that began on March 6, 2020. There does not even need to be a positive COVID-19 test. The full salary benefit will be paid for any time period the police or fire worker is unable to work due to a diagnosis of COVID-19 or due to an exposure-related quarantine.

The Act also recognizes the special role of the PA National Guard during the pandemic and provides the same 60 day benefits period. However, the law cautions that payment of the benefits does not create an employment relationship between the guard member and the Commonwealth.

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If you have any questions about workers' compensation issues as it relates to COVID-19, please contact Sandy Niemotka (niemotkas@whiteandwilliams.com; 215.864.6338) or another member of the Workers' Compensation Group.

As we continue to monitor the novel coronavirus (COVID-19), White and Williams lawyers are working collaboratively to stay current on developments and counsel clients through the various legal and business issues that may arise across a variety of sectors. Read all of the updates [here](#).

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.

