

# New Jersey Workers Compensation Fact Sheet

## Notice Requirements

1. **Accident** – an injured employee **MUST** report his/her accident within ninety (90) days of occurrence. **BUT:**
  - a. If the employer doesn't have actual notice within fourteen (14) days of the accident, no compensation will be due until proper notice is given. N.J.S.A. 34:15-17
  - b. **Traumatic hernia** – N.J.S.A. 34:15-12(c)23 – if injury is a traumatic hernia; employee must report to employer within forty -eight (48 ) hours.
  - i. Saturdays, Sundays, and holidays are excluded from this period.
2. **Statute of Limitations**
  - a. Accident – Petitioner has two years to file his or her work- accident.
  - b. Occupational – Petitioner has two years from the date that he or she should have know that they had an occupational exposure.
  - c. Re-opener claims – Two years from the last permanency check or the date of settlement are commonly used. If the petitioner receives more treatment, two years from the last treatment received to re-open his or her claim

## Benefits

-If out of work for more than seven (7) days, an employee may be eligible for temporary disability benefits.

-Petitioners receive 70% of their average weekly wage (aww) while under authorized worker's compensation treatment if they are out of work for over one week.

- 70% of the aww is calculated based on the amount of money the petitioner was making on the date of the accident.
- Do an average of the last 26 weeks if the amount earned fluctuates

-Awards are paid in temporary total disability, or total disability

- Death Benefits: N.J.S.A. 34:15-13: The Workers' Compensation Statute also accounts for death benefits. In an accepted death claim, the weekly benefit would be 70% of the average weekly wage of the deceased worker divided among his or her dependents.

Who is a dependent?

- Surviving spouse and natural children who lived with the deceased at the time of the accident.
- Children between the ages of 18 and 23 who are in school full time.
- Disabled children
- Others must prove their dependency.
- The death benefit also provides \$3,500 to cover funeral expenses.

## Treatment

- Respondent controls treatment of the Petitioner in an **accepted** worker's compensation claim. N.J.S.A. 34:15-15.
- Respondent can provide treatment without prejudice.
  - In a denied claim, Petitioner will seek treatment on his or her own and will send treating records to Respondent at the end of treatment.
  - After the Petitioner is placed at **Maximum Medical Improvement**, the traditional method is to wait 26 weeks to set up permanency exams.
    - Permanency exams are set up by both Respondent doctors and Petitioner doctors and rate the level of permanency that Petitioner sustained from this accident.
    - If the accident is not severe (e.g. a sprain/strain) there is not much of a need to follow the "26 week rule."

## Disability – Partial Total and Total

- Petitioners may receive a permanency award for injury.
- Permanency is based on permanent partial total disability or total disability related to the functional loss of the injured body part.
  - There is a paper table and an online OSCAR calculator to determine an award.
  - Example: A 2018 accident where the injured worker makes an Average Weekly Wage of \$700 and is found to have a right shoulder injury of 17.5% of partial total would have an award of \$26,709.
    - 105 weeks would correspond to the 17.5% of the right shoulder
    - Petitioner's perm. total rate would be \$254.37
    - $254.37 \times 105 = \$26,708$

## Subrogation – Section 40 Liens

- The New Jersey Workers' Compensation system bars double recovery. If a Petitioner has a third-party claim arising out of the worker's compensation claim (e.g. a liability case, or a car accident case), respondent is entitled to monies back
- Typically, Respondent will answer a claim asserting Section 40 Lien Rights.
- Statute of Limitations for a lien in 2 years- respondent must put third-party insurance company on notice of lien with a letter via registered mail; return receipt.
- Carrier generates lien letters periodically.

## Temporary Total Disability Benefits (TTD), Perm Partial Disability benefits, Total Disability Benefits, and Max Death Benefits by year

Year	TTD max	TTD Minimum
2011	\$792	\$211
2012	\$810	\$216
2013	\$826	\$220
2014	\$843	\$225
2015	\$855	\$228
2016	\$871	\$232
2017	\$896	\$234
2018	\$903	\$241
2019	\$921	\$248
2020	\$945	\$252
2021	\$969	\$258

Year	Perm Partial Max	Perm Partial Min
2011	\$792	\$35
2012	\$810	\$35
2013	\$826	\$35
2014	\$843	\$35
2015	\$855	\$35
2016	\$871	\$35
2017	\$896	\$35
2018	\$903	\$35
2019	\$921	\$35
2020	\$945	\$35
2021	\$969	\$35

Year	Total Disability Max	Total Disability Min
2011	\$792	\$211
2012	\$810	\$216
2013	\$826	\$220
2014	\$843	\$225
2015	\$855	\$228
2016	\$871	\$232
2017	\$896	\$234
2018	\$903	\$241
2019	\$921	\$248
2020	\$945	\$252
2021	\$969	\$258

Year	Death Benefits max
2011	\$792
2012	\$810
2013	\$826
2014	\$843
2015	\$855
2016	\$871
2017	\$896
2018	\$903
2019	\$921
2020	\$945
2021	\$969

