



NJSIA NEWSLETTER ❖ SPRING 2024

SERVING NEW JERSEY'S WORKERS' COMPENSATION COMMUNITY SINCE 1918

NEW JERSEY SELF INSURERS' ASSOCIATION

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A MESSAGE FROM THE PRESIDENT

New Year, New President and I am looking forward to working with you all over the next two years.

During the upcoming year we will continue to focus on expanding our membership. Just a reminder those employers that maintain a large deductible workers' compensation program are welcome to join us as full members. We are looking for creative outreach ideas, please reach out to Brittany Patterson brittany.patterson@atlanticare.org with any ideas or suggestions.

We have continued our support of New Jersey Kids' Chance by sponsoring two students with partial scholarships. For those not familiar with the organization, they provide scholarships to children of New Jersey workers that sustained a catastrophic or fatal injury at work. We will continue to support the organization in the upcoming year.

Don't forget our Spring Conference and Vendor Fair will take place April 23-25 at Harrah's Resort and Casino in the Waterfront Conference area. The program committee has really out done themselves this year, we look forward to seeing you there!

I would like to welcome Donna Wrobel as our inaugural Administrative Assistant to the Board of Managers. Many of you know Donna, as she served as a Board member, Committee Chairs and was a past President, while representing the Archdiocese of Newark.

I would be remiss if I did not thank Erika Graham for her four years of leadership as our President, she has set the bar high for all future presidents.

Hope to see you all in April

Missy McGinn , NJSIA President

PROGRAM COMMITTEE REPORT

We are back at Harrah's for a repeat of the fantastic conference from Spring 2023.

The location of the Conference and Vendor Fair in the Waterfront Conference Center is some of the most beautiful space Harrah's has to offer and we are glad it was reserved for us.

This year's program is going to be outstanding with something for everyone. From an update on the state of Workers' Compensation from Director and Chief Judge Maria Del Valle-Koch to being able to "Ask The Experts" all those burning questions that we know you can't wait to ask.

We are back with a Cyber Security segment, but this time invited "AI".

But don't let me forget our great theme this year which would involve "Lions, Tigers and Bears oh my"!! Yes, the theme is the Circus!! You must be there to see how great they will represent that theme.

So don't wait; the registration form has been published and if you didn't get one emailed to you, simply visit our website: <https://www.njsselfinsurers.com> for all the information.

Looking forward to seeing you in April!

Regina K. Lamptey, Program Chairperson



OUR ANNUAL ATLANTIC CITY CONFERENCE IS ALMOST HERE! REGISTER TODAY!

MEMBERSHIP COMMITTEE REPORT

As I formally transition to my new role with NJSIA, I am pleased to announce that Brittany Patterson has agreed to take over the role of Membership Chairperson. The committee continues to work on ways to provide value-added services to offer our current membership, as well as attracting new members. We have discussed several ideas which we continue to develop in this regard. I am sure that Brittany would be appreciative of your ideas also, as well any assistance you can offer in providing your contacts and clients with information about NJSIA... and please keep in mind that large-deductible as well as self-insured entities are eligible for full membership in the organization.

I thank you for the support you have all provided over the years, and I am stepping down knowing that the committee has a new chairperson that will excel in her position.

Donna Wrobel Outgoing Membership Committee Chairperson

As I step into the role of Membership Chairperson, I first must thank Donna for her guidance and leadership over the years. She has been instrumental in getting our organization to where it is today and I am excited for her and the next chapter she is embarking on. When I first started working under a self-insured/self-administered program at AtlantiCare Health System almost seven years ago, it did not take long for me to realize how important it would be to connect with other workers' compensation professionals whom I could learn and grow from. Thankfully, my leader at the time, Trudy Mandia, had already been heavily involved with NJSIA for many years and this organization ultimately provided everything I was looking for and more. Not only have I acquired so much knowledge from the presentations at the annual conferences and meetings over the years, but the contacts I have made through NJSIA has proved invaluable. I cannot express how much bang for your buck you get by being a member of NJSIA and I hope our members continue to spread the word so we can reach even greater heights in the coming years.

Thank you to all who joined us for the 7th Annual Members Only Summer Outing. It was a beautiful evening filled with the perfect mix of networking and fun. I look forward to seeing you all at the Annual Conference in April! We hope it will be one of our best yet.

Brittany Patterson Membership Committee Chairperson

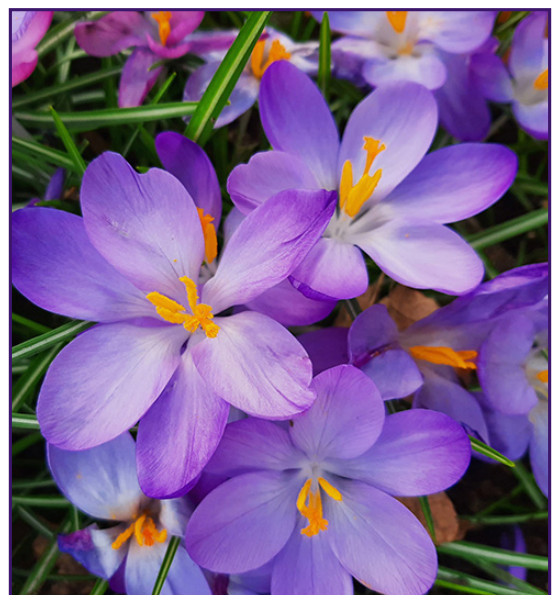
LEGISLATIVE REPORT

S1470 - (Lagana) Provides workers' compensation benefits for certain public safety workers who developed illness or injury as result of responding to September 11, 2001 terrorist attacks.

This bill provides that a public safety worker who participated in the response to the September 11, 2001 attacks and is treated or monitored through the World Trade Center Health Program established by the Centers for Disease Control is presumed to be compensable under the State workers' compensation law without respect to when the worker files his claim for compensation, except that the claim is required to be filed within two years after the effective date of the bill. A worker is deemed ineligible for the benefits if the worker is eligible for benefits for the same injury, illness, or death under workers' compensation programs of other states or the federal government.

The bill requires the Division of Archives and Records Management in the Department of State, and each county, municipality, regional or joint public safety entity, or other agency involved in the public safety, to notify all active and retired personnel and next-of-kin, if the personnel are deceased, of the presumption of compensability within three months of the effective date of the bill.

Thank you to Jon Bombardieri of CLB Partners



LITIGATION REPORT

NJ Supreme Court Rules Commute Compensable Where Employee Operating Authorized Vehicle and In the Course of Employment

Henry Keim v. Above All Termite and Pest Control (A-30-22) (087603), decided on November 21, 2023 reversed the decision of the NJ Workers' Compensation Judge dismissing the claim with prejudice pursuant to the going and coming rule. The NJ Appellate Division reversed the Trial Judge's ruling, and the NJ Supreme Court unfortunately affirmed. Henry Keim was a salaried pest control technician, and his employer provided him with a work vehicle. Keim kept this work vehicle at his residence, and on workdays drove the vehicle from his residence to various jobsites and then returned home to his residence with the vehicle. The employer's policies limited the amount of work supplies left in the vehicle overnight, and technicians were authorized to use their own discretion and if necessary drive to the employer's location to reload their supplies and then drive to their jobsites. On the morning in question, Keim logged in, received his daily schedule and realized he needed supplies. He drove to his employer's shop directly to reload his supplies and was involved in a motor vehicle accident sustaining injuries.

The NJ Supreme Court noted the Trial Judge found Keim was commuting to work, and further reasoned Keim's arguments of the authorized vehicle rule were irrelevant. The NJ Appellate Division and Supreme Court disagreed with the Trial Judge's analysis. The NJ Supreme Court reviewed NJSA 34:15-36 finding four exceptions to the going and coming

rule including the "premises rule"; "special mission rule"; "paid travel time rule"; and "authorized vehicle rule". In order to arrive at their conclusion, the Supreme Court examined the meaning of operating an "employer authorized vehicle" while performing "business authorized by the employer". The decision found an accident is compensable where "(1) the employer authorizes a vehicle for operation by the employee, and (2) the employee's operation of that identified vehicle is for business expressly authorized by the employer."

This decision is troubling for NJ employers and insurance carriers. The decision clarifies and limits the going and coming rule, and essentially creates more compensable accidents pursuant to Section 36 and the four (4) exceptions to the going and coming rule.

With recent increases to fees for medical experts, additional presumptions for EMTs and paramedics for strokes and heart attacks, and pending legislation relative to increasing the percentage of counsel fees, NJ is becoming a scary and expensive place to litigate Workers' Compensation claims. NJSIA continues to monitor both litigation decisions and proposed legislation and where/when appropriate take action on behalf of NJ employers. However, with the recent changes noted above, we urge your companies, as NJ employers to get involved and organize strong opposition to some of the decisions that adversely affect employers. We seek a fair and equitable workers' compensation system; these decisions, and pending legislation favor employees, not equity.

**Thank you to Matthew Gitterman
of Biancamano & DiStefano**



MEMBERSHIP DUES

Our dues are \$350 for all members. Members are the entity and all employees enjoy the benefits of membership. You can apply for membership on-line at www.njselfinsurers.com, or contact Donna Wrobel at dwrobel1026@outlook.com for an application. Payment can be made via check or PayPal. If you have questions regarding your membership status, please contact the NJSIA office.

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