

# ***NEW JERSEY SELF INSURERS' ASSOCIATION***

## ***DECEMBER 2014 NEWSLETTER***

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### **ANNUAL BUSINESS MEETING**

#### **November 2014.**

What an exceptional program. Thank you to all that attended, and of course to the great program committee for their usual hard work and attention to detail.

We re-elected the following companies to the Board of Managers: E.I. DuPont, Verizon, The Port Authority of New York and New Jersey. We also added one new member, ABM.

The Association welcomed 17 new members bringing our total membership to 72 companies in good standing for 2014. We always look to include other members so please let us know if you know of a company, self-insured or otherwise, that would be a great addition to the Association.

Our last meeting featured an outstanding group of professionals who helped to educate us in the areas of medical alternatives to surgery, how New Jersey's claims experience stacks up against the states around them and the group also gave us an excellent alternative to help keep employees at work.

**Dr. Nicolas Jarmon**, our outstanding pinch hitter, did an excellent job with his presentation about shoulder surgeries. One of the newest procedures, shoulder replacement/reconstruction has benefits for some conditions, but not all, which Dr. Jarmon expertly explained. Thank you for making that so clear.

***Workers' Compensation, ADA, FMLA*** Great panel discussion and question and answer session that totally engaged the attendees.

***Ramona Tanabe, Deputy Director and Counsel - Workers' Compensation Research Institute (WCRI)*** shared some very valuable statistical information on exactly how we rank when compared to other states. Would it benefit NJ to have a fee schedule? Our next session will discuss the pros and cons of such a proposal.

We started our the day with the duo of John Jasieniecki, Esq and Rick Rubenstein, Esq., who teamed up to present the ***Case Law and Legislative Update***, moderated by the Honorable Peter J. Calderone Chief Judge and Director of the Division. So many of you found it refreshing and enjoyed hearing from "the other side".

Please remember to make your calendars for the NJSIA 2015 Spring Meeting and Vendor Fair at Harrah's Resort and Casino, in Atlantic City, NJ on May 7-8, 2015. Look forward to seeing you there.

***Happy Holidays to  
you all!***

**Regina K. Lamptey**  
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## **LEGISLATIVE NEWS**

The Association along with our representative Jon Bombardieri has been very active monitoring and meeting with members of the Legislature in presenting our position on several WC bills. The Bills drawing the most attention this Fall were:

**S929/A1908-** The COLA bills that would cost employers an additional \$58 million dollars over the next 3 years. The Senate has passed the bill. On October 27<sup>th</sup> the bill was referred to the Assembly Appropriations Committee.

**S374/A3403-** Provides for increased legal fees on cases where voluntary offers have been paid. The Senate passed the bill, as did the Assembly Labor Committee. No action has been taken by the full Assembly to date. We have voiced our opposition to this Bill to the legislators and to the Administration.

**S750-** Increases benefits for injuries to hand and feet. Referred to the Senate Labor Committee. No recent activity.

**S2247-** Covers employees injured in employer parking areas as well as during their walk from the parking areas to the place of employment. No action by the Senate Labor committee.

**S2332-** Permits hearings to be held in counties contiguous to the presently designated counties. This is a new bill supported by the Division. Referred to the Labor Committee.

**S2447-** Permits Group Self Insurers and collective bargaining agreements to improve the provisions of worker's compensation. Has been referred to the Senate Labor Committee. There is no Assembly bill.

**S-280-** Healthy Workplace Act. Opposed by all Industry Groups. Referred to the Senate Labor Committee.

We continue to work closely with representatives of NJBIA, NJM, The Insurance Council and the Chamber of Commerce in stating our position on these Bills. If you need more information on these Bills, please call our office, 609-587-4304.

## **LITIGATION UPDATE**

### **Fitzgerald v. Walmart**

12-10294, 10296; decided September 26, 2014 by the Honorable George H. Gangloff, Jr., J.W.C. Petitioner filed a motion to compel medical treatment based on allegations that she suffered injuries arising out of and in the course of her employment with the respondent. The Judge denied her motion and dismissed her accident and occupational exposure claims because the petitioner failed to meet her burden of proving that conditions of the workplace or the risks of her employment played a role in her injury or need for medical treatment.

### **Pitts v. Leone Industries, Inc.**

12-10853; decided September 23, 2014 by the Hon. E. Elaine Voyles, J.W.C. The judge of compensation had to deal with a number of issues after the respondent engaged in a prolonged denial of liability based upon an intoxication defense (N.J.S.A. 34:15-7) and a fraud defense (N.J.S.A. 34:15-57.4). These defenses were maintained until the last day of trial when they were voluntarily abandoned and liability was conceded by the respondent. Afterward, the judge found the respondent liable for temporary disability, medical, and permanency benefits, as well as most attorney fees and costs. Penalties were also assessed against the respondent pursuant to N.J.S.A. 34:15-28.1.

## **DIVISION NEWS**

A Committee of the Commissioner's Advisory Council on Worker's Compensation has issued a report concerning Medical Provider Claims. The report recommends procedures and requirements for the filing, processing and resolving the claims. Director & Chief Judge Peter J. Calderone has asked for comments and suggestions to be submitted to his office on or before January 12, 2015. The report is available on the Division website.

The maximum TT & PTD rate in 2015 will be \$855. The 2015 Schedule of Disabilities & Benefits Chart is available to all NJSIA member companies.

Send your request to [Kappa59@AOL.com](mailto:Kappa59@AOL.com).

## **NOTICE OF COMPLIANCE**

The Employers' Liability Insurance Law Title 24, Chapter 15, Article 5, Section 80 provides that employers who qualify to carry their own liability (self-insurers) must post and maintain a Notice of Compliance in the employers' work places. The association has a supply of these notices for our members.

## **2015 WC CONFERENCE & VENDOR FAIR.**

Will be held on May 7-8 at Harrah's Resort Casino in Atlantic City. The program committee is preparing an excellent educational program for all attendees. There will be no increase in fees. We plan to have registration forms in the mail in February.

## **WELCOME TO NEW MEMBERS:**

Campbell, Foley, Delano, & Adams, LLC. Rapid Recovery Services, RW Johnson University Hospital, & Spartan Recoveries,

## **JOIN NJSIA**

For over 90 years the New Jersey Self Insurer's Association has represented the interests of New Jersey's employers in the area of worker's compensation. Membership in the Association is open to all employers, law firms, third party administrators, and medical groups. Visit our website for more information and an application. [www.njsselfinsurers.com](http://www.njsselfinsurers.com).

## **BOARD OF MANAGERS**

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