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July 28, 2020

The Honorable Craig J. Coughlin
569 Rahway Ave.
Woodbridge, NJ 07095

Dear Speaker Coughlin,

On behalf of the New Jersey Business Coalition, thank you for the continued opportunity to provide input into Assembly Bill No. 3999 and Senate Bill No. 2380 and your willingness to consider our amendments. These bills dictate that an essential worker who contracts COVID-19 is presumed to have contracted it in the workplace for workers' compensation purposes.

With the bill now having been heard in the Assembly Appropriations Committee, we thought it would be helpful to consider the testimony that was offered, members' reactions, and the issues still remaining.

We request your consideration of two amendments:

1. Limit the presumption to the duration of the stay-at-home order, applying to a diagnosis made within that timeframe, and up to two weeks of the lifting of that order;
2. Consistent with testimony by advocates, clarify that covered essential employees must have had contact with the general public.

We understand the argument for the presumption when the stay-at-home order was in place and essential employees merely commuted to and from work. Now, these same employees are at the shore, travelling to other states, going to house parties, shopping, and otherwise being exposed to more potential sources of the virus. Maintaining a workplace contraction presumption once the stay-at-home order was lifted is not based on science or logic and goes beyond the initial intent to protect essential workers who went to work during the lockdown period and who had an elevated, unique exposure risk at work.

We request that the bill be amended so that the presumption is only in effect for the duration of the stay-at-home order, tied to a medical diagnosis, and up to two weeks of the order being lifted.

As drafted, this legislation will make New Jersey a significant outlier. Failing to tie the presumption to the stay-at-home order allows the presumption to last longer than it is logically indicated and fairly needed. Including the timeframe language suggested above is consistent

with the actions of other states. Just last week, Governor Lamont of Connecticut issued an Executive Order creating a workers' compensation presumption for COVID-19 exposure with a timeframe limit based on likely exposure risk. Establishing a timeframe for the presumption is also consistent with a law passed in California, the first state to address this issue. Establishing a timeframe based on likely exposure is a reasonable means to address the underlying concerns of essential employees while also addressing the concerns of the business community who will be paying for this system.

We note that while this amendment was not adopted in committee, it seemed to elicit a positive reaction from many members of your caucus who understood the rationale behind the amendment. It deserves further consideration.

We were also pleased to see advocates for the bill testify that essential employees include only those workers who had direct contact with the public. We agree with advocates that this limitation makes sense, but it is not reflected in the current language of the bill.

We request the language be clarified to limit essential employees to those who had actual contact with the public and thus had an elevated risk of exposure.

If at a later time there is a need to expand the use of the presumption or to address other workers compensation issues related to COVID-19, we would welcome that conversation. Toward that end we would encourage the Administration to collect and report data related to workplace exposures and workers compensation claims. An alternative would be to mandate such data collection in this legislation.

Once again, thank you for this deliberative process and considerations of our concerns.

If you have any questions, please contact Chrissy Buteas, Chief Government Affairs Officer, NJBIA, at cbuteas@njbja.org or at 908-447-3466.

Thank You,

Business Coalition Members

African American Chamber of Commerce of New Jersey, Inc.
American Camp Association NY/NJ
American Council of Engineering Companies of New Jersey
American Physical Therapy Association of New Jersey
Bernards Township Regional Chamber of Commerce
BioNJ
Burlington County Regional Chamber of Commerce

Bus Association of New Jersey
Cape May County Chamber of Commerce
Capital Region Minority Chamber of Commerce
Chamber of Commerce of Greater Philadelphia
Chamber of Commerce Southern New Jersey
Commerce and Industry Association of New Jersey
Downtown New Jersey
Early Childhood Education Advocates
Eastern Monmouth Area Chamber of Commerce
Employers Association of NJ
Fuel Merchants Association of NJ
Garden State Pharmacy Owners, Inc.
Global Business Alliance
Gloucester County Chamber of Commerce
Greater Atlantic City Chamber of Commerce
Greater Toms River Chamber of Commerce
Greater Westfield Area Chamber of Commerce
Health Care Association of New Jersey
Hoboken Chamber of Commerce
Home Care & Hospice Association of New Jersey
Home Health Services Association of New Jersey
Hudson County Chamber of Commerce
Hunterdon County Chamber of Commerce
Insurance Council of New Jersey
International Health, Racquet and Sportsclub Association
Mahwah Regional Chamber of Commerce
Marine Trades Association of New Jersey
Meadowlands Chamber
Middlesex County Regional Chamber of Commerce
Monmouth-Ocean Development Council
Morris County Chamber of Commerce
NAIOP - NJ
National Federation of Independent Business
New Jersey Apartment Association
New Jersey Asphalt Pavement Association
New Jersey Association of Mental Health and Addiction Agencies
New Jersey Association of Osteopathic Physicians and Surgeons
New Jersey Bankers Association
New Jersey Builders Association
New Jersey Business & Industry Association
New Jersey Campground Owners and Outdoor Lodging Association

New Jersey Chamber of Commerce
New Jersey Child Care Association
New Jersey Civil Justice Institute
New Jersey Coalition of Automotive Retailers
New Jersey Concrete and Aggregate Association
New Jersey Dental Association
New Jersey Food Council
New Jersey Gasoline-Convenience-Automotive Association
New Jersey Hotel and Lodging Industry Association
New Jersey Independent Electrical Contractors Association
New Jersey LGBT Chamber of Commerce
New Jersey Manufacturing Extension Program, Inc.
New Jersey Motor Truck Association
New Jersey Pharmacists Association
New Jersey Podiatric Medical Society
New Jersey Restaurant & Hospitality Association
New Jersey Retail Merchants Association
New Jersey Salon and Spa Coalition
New Jersey Self Insurers Association
New Jersey Society of Certified Public Accountants
New Jersey Society of Optometric Physicians
New Jersey State Funeral Directors Association
New Jersey Tourism Industry Association
New Jersey Utilities Association
New Jersey State Veterans Chamber of Commerce
New Jersey YMCA State Alliance
New Jersey Warehousemen & Movers Association
New York Shipping Association, Inc.
Newark Regional Business Partnership
North Jersey Jewish Business Alliance
Ocean City Chamber of Commerce
Ocean City Regional Chamber of Commerce
Princeton Mercer Regional Chamber of Commerce
Professional Insurance Agents of New Jersey
Recreational Fishing Alliance
Somerset County Business Partnership
Southern Ocean County Chamber of Commerce
Southern New Jersey Development Council
Sussex County Chamber of Commerce
The United Boatmen of N.J
Union Township Chamber of Commerce