

MUST BE POSTED IN A CONSPICUOUS PLACE

1950 SUMMARY

of the

New Jersey Workmen's Compensation Law

Copies of this law may be obtained for a nominal fee from the Department of Labor and Industry, Division of Workmen's Compensation, Wallach Building, Trenton, N. J.

The law includes two parts: Article 1 and Article 2. Article 1 is the "Actions at Law" section. Under this article damages can be obtained only by trial before a jury, when the accident can be shown to be due to the negligence of the employer, without willful negligence on the part of the employee.

Article 1 will not apply to any employee unless prior to an accident he gives to his employer, or receives from him, a notice in writing rejecting Article 2. An employee cannot receive advantages of both articles of the law.

Article 2 applies to every employee (with certain exceptions) unless the above notice has been served. Under this article the employee is entitled to compensation, according to a schedule contained in the law, for all accidental injuries arising out of and in the course of his employment, without regard to negligence on the part of employer or employee, except when the injury is intentionally self-inflicted, or when intoxication is the natural and proximate cause of injury.

The injured employee, or someone for him, must give notice of the injury to the employer, within fourteen days of the occurrence. If he does not do so, no compensation shall be due until the notice is given, or the employer knows of the injury. The notice to the employer should be in form somewhat like the following:

To (name of employer):
You are hereby notified that a personal injury was received by (name of employee injured), who was in your employ at (place) while engaged as (nature of employment), on or about the (.....) day of (.....), nineteen hundred and (.....), and that compensation will be claimed therefor.
(Signed) (.....).

This is to be signed by the injured employee or someone in his behalf. This notice may be sent to the office of the employer, or given to the foreman or superintendent in charge of the room, department, or place where the employee worked.

The schedule of compensation under Article 2 is in general as follows:

The employer must furnish reasonable medical service and medicines not to exceed fifty dollars, also hospital service not exceeding fifty dollars. If these sums do not effect a cure, application should be made to the Division of Workmen's Compensation for a blank form on which to file a petition for an additional allowance. No compensation is payable until after the injured has been disabled for seven days, whether these days be consecutive or not. If disability extends beyond four weeks, compensation is payable for this seven-day period. This period is called the waiting period, and if at any time thereafter disability is suffered, compensation is payable, but not beyond three hundred weeks for temporary disability.

Compensation shall be two-thirds of the wage at time of accident, but no weekly compensation shall be greater than \$25, nor less than \$10 except in certain death cases and certain total disability cases. Note: The maximum compensation rate, on and after January 1, 1951, will be \$30 per week in certain cases.

In the event of amputation, or other permanent injury, further compensation, at the same rate, is to be paid. This is over and above what the employee may be earning after resuming work.

Compensation for amputation listed in the schedule shall be for the following number of weeks:

Thumb, 75 weeks; 1st finger, 50 weeks; 2nd finger, 40 weeks; 3rd finger, 30 weeks; 4th finger, 20 weeks; great toe, 40 weeks; each other toe, 15 weeks. The loss of one joint of a finger or toe shall call for one-half the number of weeks. The loss of any portion of one joint calls for a like proportion of the number of weeks allowed for the loss of all of that joint. The loss of the first phalange and any portion of the second shall be considered as the loss of the entire finger, thumb or toe.

Arm, 300 weeks; leg, 275 weeks; hand, or of the thumb and the first and second fingers (on one hand), or of four fingers (on one hand), 230 weeks; foot, 200 weeks; vision of one eye, 150 weeks; enucleation of an eye, in addition to loss of vision, 25 weeks; natural tooth, 4 weeks; total loss of hearing in one ear, 60 weeks; total loss of hearing in both ears, 200 weeks.

Claim for permanent injuries not classified must be settled by agreement or adjudicated for a number of weeks proportionate to weeks stated in the schedule.

The loss of both hands, arms, feet, legs, or eyes, or any two thereof, shall constitute total permanent disability, requiring compensation for 450 weeks, following this the employee may be entitled to further compensation, the weekly amount to be determined according to his earning capacity. Other injuries also may constitute total disability. Compensation for a percentage of total disability must be calculated on a basis of 550 weeks.

In fatal accidents the employer must pay for funeral expenses, but not more than \$250.

Compensation for fatal accidents shall be paid to children until eighteen years of age, and to others for 300 weeks as follows: One dependent is entitled to 35 per cent of wages; two dependents to 40 per cent; three to 45 per cent; four to 50 per cent; five to 55 per cent; six, or more, to 60 per cent; but no weekly compensation shall be greater than \$25. In making payments to children, only those under eighteen years of age shall be included.

Compensation for all classes of injuries shall be paid one after the other, as follows:

Medical and hospital service.

After the first seven days of disability, compensation for temporary disability.

After that, compensation for each permanent injury, one after the other.

After that, if death results from the accident, expenses of burial, subject to the limits stated above.

After that, compensation to dependents.

An injured employee refusing to submit to an examination, forfeits compensation during the period of refusal.

Injured employees refusing medical aid proffered by their employers, must pay the medical expenses.

The Compensation Act declares that inguinal hernia is a disease which ordinarily develops gradually, being very rarely the result of an accident; compensation, therefore, can be allowed for disability on account of this condition only in unusual cases.

However, effective January 1, 1951, the following are the words of the statute as to hernia: "Where there is a traumatic hernia compensation will be allowed if notice thereof is given by the claimant to the employer within forty-eight hours after the occurrence of the hernia but any Sunday, Saturday or holiday shall be excluded from this forty-eight hour period."

Compensable occupational diseases include all diseases arising out of and in the course of employment, which are due to causes and conditions which are or were characteristic of or peculiar to a particular trade, occupation, process or employment, or which diseases are due to the exposure of any employee to a cause thereof arising out of and in the course of his employment. Silicosis and asbestosis are covered by separate provisions in the law.

Other than separate provisions applying to silicosis and asbestosis, the same benefits applying to accidents apply to all other compensable occupational diseases providing written notice or claim is given the employer within five months after the date when the employee shall have ceased to be subject to exposure to the occupational disease, or within ninety days after the employee knew or ought to have known the nature of his disability and its relation to his employment, whichever period is later in duration, or the employer have actual knowledge that the employee has contracted a compensable occupational disease during the continuance of the employment.

Claimants must bear in mind that formal petitions for compensation must be filed within a specified time, and that delay in filing claims may result in claims being outlawed.

Employers or employees experiencing trouble on any question under this law, can obtain advice free of charge by applying to the Division of Workmen's Compensation. Information can be obtained by calling on or writing to

**DIVISION OF WORKMEN'S COMPENSATION
NEW JERSEY DEPARTMENT OF LABOR AND INDUSTRY**

Wallach Building, Trenton—1060 Broad St., Newark—1 Exchange Place, Jersey City—
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Commissioner of Labor and Industry**