

EMPLOYMENT LAW SUMMARY

New Jersey's workers' compensation laws govern the claims process for employees who are injured or contract diseases in the course and scope of their employment. The New Jersey [Division of Workers' Compensation](#) (DWC), part of the New Jersey Department of Labor, investigates and handles workers' compensation claims throughout the state.

The processing of a claim typically begins with a notice of injury and may end with an administrative or judicial appeal.

NOTICE OF INJURY

An employee with a work-related injury or illness must notify his or her employer, in writing, within 14 days. Failing to report a work-related condition can delay the claims process and even result in denial of the claim.

In general, employers cannot refuse to pay workers' compensation benefits based on notice requirements if the employee provides the initial notice within **30 days** of the date of injury or the first day the employee became aware of an occupational disease.

However, if an employer is adversely affected because the notice was not provided within the initial 14 days or because the notice was defective or inaccurate, the employer may seek to reduce the amount of benefits owed.

As long as an employee provides notice within 90 days, benefits may still be allowed if the employee can demonstrate that the delay beyond the first 14 days was due to:

- Mistake, inadvertence or ignorance of fact or law;
- The employee's inability to provide a timely notice;
- Fraud, misrepresentation or deceit of another; or
- Any other reasonable cause or excuse.

For both the 30- and 90-day submission time frames, benefit claims may be reduced to the extent that the delay, defect or inaccuracy affected the employer.

A notice of injury may be mailed or served personally on the employer or on any of its agents, including the employee's immediate supervisor. While no specific language is required, an injury notice must include:

- The employee's name;
- That the employee received an injury in the course and scope of employment;
- The time, place, nature and cause of the accident; and
- A description of the injury.

COMPENSATION CLAIMS

An employee who wishes to file a claim for workers' compensation benefits must do so within two years of the date of injury. In general, the two-year period for occupational diseases begins on the date the employee first learns of the disability and its connection to his or her employment.

DISPUTED CLAIMS

Any party may submit a disputed claim to the DWC. The DWC reviews disputes regarding the nature and extent of work-related conditions and the amount of compensation an employer may owe to an employee for benefits as a result.

Employers should receive a copy of an employee's claim petition within five days from the time the employee filed the petition with the DWC. Employers must then file an answer to the petition within **30 days** (unless the DWC grants additional response time). The answer must:

- Either admit or deny the allegations stated in the claimant's petition; and
- Explain the employer's position regarding the issues in dispute (as stated by the petition).

The DWC will schedule hearings for disputed claims within 20 days after receiving an answer to a petition. An employer-employee compensation agreement (such as a settlement) prevents the filing of a claim only if the agreement has been approved by the DWC.

HEARINGS

Hearings for disputed claims are generally scheduled between four and six weeks after the petition is filed. However, cases where the extent of permanent disability (total or partial) is an issue may be deferred. In addition, DWC judges, referees and directors have the power to adjourn hearings at their discretion. Usually, hearings will take place in the county where the injury occurred or where one of the parties resides.

APPEALS

Any party dissatisfied with an order issued after a hearing can appeal for a review of the decision to the Appellate Division of the Superior Court.

MORE INFORMATION

Contact Heffernan Insurance Brokers or visit the DWC [website](#) for more information on workers' compensation laws in New Jersey.

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