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NEW JERSEY SUPERIOR OFFICERS ASSOCIATION

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Tuesday, April 17, 2007

Mr. George Hayman, Commissioner
State of New Jersey
Department of Corrections
P. O. Box 863
Trenton, NJ 08625-0863

Re: Approval of MRSA SLI requests

Commissioner Hayman,

As you know, MRSA has become an increasingly disturbing problem in the institutional setting of the Department of Corrections. It has become much more common in recent months. It has affected both inmates and staff in increasing incidences.

The Department has taken steps to reduce possible staff exposures to the MRSA virus through the purchase of safety devices and supplies. We applaud the department in taking these steps to protect its employees.

There have been a number of staff exposures to the MRSA virus and several have resulted in staff contracting the virus. As staff exposures have grown, the department has implemented new procedures for requesting SLI for MRSA. Employees are taking advantage of safety devices and supplies made available to reduce the risk of exposure to MRSA. However, MRSA will persist and staff will still be exposed to the virus. Employees that contract the MRSA virus on-the-job, need to know that they will be covered if and when they must miss work as a result of the exposure.

We have been advised that the department is routinely denying requests for SLI in MRSA cases because "Risk Management" will eventually deny the requests. This has recently occurred in the case of Lt. Dave Kershaw at Riverfront State Prison. In Lt.

Kershaw's case, institutional management, as well as the SLI Committee acknowledged that he was performing tasks that most likely exposed him to the MRSA virus. All agreed that he should receive SLI benefits. Lt. Kershaw missed several weeks of work due to his exposure to MRSA, his hospitalization and surgery, and his eventual rehabilitation. Even though the department understood Lt. Kershaw's illness was the probable result of the job, his SLI request was still denied.

It has been explained to me that the department is denying MRSA SLI requests because risk management will deny the worker's compensation claim for MRSA when it gets there. Dr. Woodward has acknowledged that a "worst case scenario" for an employee exposure to MRSA would only result in an employee being out of work for a period of possibly 8 to 12 weeks. SLI can be granted for a period of up to one year. Worker's compensation would only come into play after the SLI year has expired. My question is; When it is clearly established that an employee has been exposed or has contracted MRSA while in the performance of their duties, why can't the department approve the SLI request? They would never be out of work beyond the year allowed under SLI statutes. Worker's compensation would not come into play. This would demonstrate the department's stated agreement that employees should be compensated if they contract MRSA on the job.

Please consider this request for the department to change its stance with regard to the approval of SLI for MRSA cases. If you have any questions, or wish to discuss this in more detail, please contact me at your convenience. I look forward to hearing from you. Thank you for your time and attention in this very important matter.

Sincerely yours,



Jeffrey Smith
President

CC:
Executive Board
Membership
File