Danie Geddes was born in Bayonne, New Jersey and was raised in Elizabeth. He graduated from Thomas Jefferson High School in 1967 and attended Kean University earning a B.A. Degree in Public Administration and Political Science, as well as a Juris Doctorate Law Degree from Seton Hall School of Law.

Dan was employed by the Elizabeth, New Jersey Police Department for more than twenty-six (26) years retiring as a sergeant in 1998. He has been a practicing Attorney at Law for more than fifteen (15) years with his Law Practice in Union, New Jersey. He is also employed as a member of the Adjunct Faculty (Criminal Justice Department) at Kean University.

Dan’s primary area of practice is representing Law Enforcement Officers and Fire Fighters throughout the State of New Jersey. He is currently President of the Two Hundred Club of Union County, an organization of more than four hundred business persons throughout Union County which dedicates itself to fallen Fire Fighters and Law Enforcement Officers and providing aid and scholarship assistance to those Uniformed Services and their families.

During the course of his career as a Police Officer, Dan served in the Detective Division for more than seventeen (17) years with the Elizabeth Police Major Case Investigations Unit and was on call for homicide investigations.

During his tenure with the Police Department Dan was honored with many awards including:

- The Elizabeth Lions Club, Captain Gustav Stephens Award as Police Officer of the Year
- Honored by the Port Authority Police for his part in the successful task force investigation of the murder of Port Authority Police Officer, William Perry
- The Union County Prosecutor’s Office John Stamlere Award, Police Officer of the Year
- Two Hundred Club of Union County Valor Award
- New Jersey State PBA Valor Award
- The Elizabeth Police Department Valor Award
- Numerous Elizabeth Police Departmental Commendations

Dan’s entire family is employed in Union County’s Law Enforcement Community. His wife Sharon, is a Sergeant with the Union County Sheriff’s Office. His daughter, Kimberly Borras, is a Patrol Officer with the Elizabeth Police Department. His son Timothy is a Lieutenant with the Elizabeth Police Department and son Daniel, Jr. is a Sergeant with the Elizabeth Police.

Dan and his wife Sharon have made their home in Elizabeth, New Jersey for more than forty (40) years and are also the proud grandparents of five (5) grandchildren.
WORKERS' COMPENSATION LAW

As an attorney practicing in the field of workers' compensation law, it has come to my attention that there are often many misconceptions that employees hold regarding work-related injuries and the possibility of compensation for personal injury that arises from and occurs in the course of their employment.

Employees frequently misunderstand whether or not they are entitled to file suit for negligence regarding workplace injuries. This outline is intended to help dispel these misconceptions and educate employees as to what their rights are regarding personal injury arising from their employment.

MASTER/SERVANT RULE

When an employee is injured in the course of their employment, he/she may not sue his/her employer for NEGLIGENCE. This legal concept derives from an Old English rule of law known as the MASTER/SERVANT RULE. Although an employee may not recover for personal injury arising from the negligence of their employer, New Jersey Law provides for compensation that is available when employees are injured out of and in the course of their employment.

Essentially, New Jersey's version of the MASTER/SERVANT RULE allows that whether or not negligence is involved, employees may be compensated for their permanent disabilities when the injury is work-related. In addition to a permanent disability award, the employer or their insurance carrier must also provide temporary total disability payments, and medical/surgical treatment from authorized healthcare providers.

FELLOW/SERVANT RULE

In addition to the Master/Servant Rule, there is another legal concept derived from Old English law known as the FELLOW SERVANT RULE. This rule of law dictates that when an employee is injured as a result of the negligence of a fellow employee (employed by the same employer as the injured party) and such injury arises out of and in the course of the employment of both employees, the injured employee is precluded from filing suit for negligence against the fellow employee. However, the injured employee may be compensated pursuant to the workers' compensation statutes.

HORSEPLAY OR SKYLARKING

In the social environment of the workplace, injuries often arise as a result of horseplay or skylarking on the part of fellow employees. When such horseplay and/or skylarking takes place and an injury to an employee results, the workers' compensation statutes allow for the injured employee to be compensated in certain instances.

N.J.S.A. 34:15-7.1. HORSEPLAY OR SKYLARKING ON THE PART OF FELLOW EMPLOYEES

An accident to an employee causing his injury or death, suffered while engaged in his employment but resulting from horseplay or skylarking on the part of a fellow employee, not instigated or taken part by the employee who suffers the accident, shall be construed to have arisen out of and in the course of the employment of such employee and shall be compensable under the Act hereby supplemented accordingly.

OCCUPATIONAL INJURY OR DISEASE

It is quite common that the injury or disability to an employee does not result from a particular accident, but from the wear and tear or stress and strain of employment. In such a case, the employee is entitled to file a claim petition for the occupational injury. Likewise, if occupational disease results from the individual's employment, such as occupational hearing loss, respiratory, or pulmonary disease, N.J.S.A. 34:15-30 allows for the employee to be compensated.

N.J.S.A. 34:15-30. OCCUPATIONAL DISEASE: COMPENSATION FOR DEATH OR INJURY

When employer and employee have accepted the provisions of this article as aforesaid, compensation for personal injuries or for death of such employee by any compensable occupational disease arising out of and in the course of his employment, as hereinafter defined, shall be made by the employer to the extent hereinafter set forth and without regard to the negligence of the employer, except that no compensation shall be payable when the injury or death by occupational disease is caused by willful self exposure to a known hazard or by the employee's willful failure to make use of reasonable and proper guard or personal protective device furnished by the employer which has been clearly made a requirement of the employee's employment by the employer and which an employer can properly document that despite repeated warnings, the employee has willfully
failed to properly and effectively utilized, provided, however,
that this latter provision shall not apply where there is such
eminent danger or need for immediate action which does
not allow for appropriate use of personal protective device
or devices.

CARDIOVASCULAR OR
CEREBRAL VASCULAR CAUSES

When the injury is cardiovascular or cerebral vascular in
nature, such as heart attack or stroke, and by a preponderance
of the credible evidence, there is proof that such injury was
caused by the work effort; the employee is entitled to be
compensated for such injury.

N.J.S.A. 34:15-72. CLAIM BASED ON
CARDIOVASCULAR OR CEREBRAL VASCULAR
CAUSES; PREPONDERANCE OF CREDIBLE
EVIDENCE OF PROOF ARE CAUSED BY WORK
EFFORT.

In any claim for compensation for injury or death of
cardiovascular or cerebral vascular causes, the claimant
shall prove by a preponderance of the credible evidence
that the injury or death was produced by the work effort or
strain involving a substantial condition, event or happening
in excess of the wear and tear of the claimant’s daily living
and in reasonable medical probability cause in a material
degree the cardiovascular or cerebral vascular injury or
death resulting therefrom.

Material degree means an appreciable degree or a degree
substantially greater than the minimum.

CARDIOVASCULAR OR CEREBROVASCULAR
INJURY; POLICE, FIRE, OR EMERGENCY
PERSONNEL:

When police, fire, or emergency personnel are responding
to an emergency, there is rebuttal presumption that injury
or death is compensable if that injury or death occurs while
the individual is responding under orders from competent
authority to a law enforcement, public safety or medical
emergency. See N.J.S.A. 34:15-73.3(b). This section shall
apply to:

1. Any permanent or temporary member of a paid or
   part-paid fire or police department and force;
2. Any member of a volunteer fire company;
3. Any member of a volunteer first aid or rescue
   squad; and
4. Any special, reserve, or auxiliary policeman doing
   volunteer duty.

EMPLOYEE FEAR OF
EMPLOYMENT RETALIATION

It is not uncommon that an employee who has suffered
a work related injury will decline to file a workers’
compensation claim petition out of fear of retaliation by the
employer or other supervisory personnel.

However, the workers’ compensation statutes provide
severe penalties which protect the injured employee from
retaliation. An employer or their agent, who engages in such
retaliatory behavior, may be subject to penalties pursuant to
the following statute:

N.J.S.A. 34:15-39.1. UNLAWFUL DISCHARGE OR, OR
DISCRIMINATION AGAINST, EMPLOYEE CLAIMING
COMPENSATION BENEFITS; PENALTY

It shall be unlawful for any employer or his duty authorized
agent to discharge or in any other manner discriminate
against an employee as to his employment because such
employee has claimed or attempted to claim workers’
compensation benefits from such employer, or because he
 testified, or is about to testify, in any proceeding under the
chapter to which this act is a supplement. For any violation
of this Act, the employer or agent shall be punished by a
fine of not less than $100.00 nor more than $1,000.00
or imprisonment for not more than 60 days or both. Any
employee so discriminated against shall be restored to his
employment and shall be compensated by his employer
for any loss of wages arising out of such discrimination;
provided, if such employee shall cease to be qualified
to perform the duties of his employment, he shall not be
entitled to such restoration and compensation.

As the above statute illustrates, the penalties for
retaliation against an employee who files a workers’
compensation claim petition can be harsh.

LIABILITY OF A THIRD PARTY

Often an individual will be injured out of and in the
course of their employment as a result of the negligence of
a third party other than the employer or a fellow employee.
In such situation, the employee may still be compensated
pursuant to the workers’ compensation statutes. However,
that employee may still be entitled to file a negligence suit
against a third party that caused his injury.

When a third party claim is filed, the workers’
compensation insurance carrier or the employer is entitled
to be compensated for the benefits they provided if the
employee receives a judgment or settlement award as a
result of the third party action. Typically, the employer’s
lien entitles the employer to two-thirds of their expense paid on the employees' injury.

N.J.S.A. 34:15-40. LIABILITY OF THIRD PARTY
Where a third person is liable to the employee or his dependent for an injury or death, the existence of a right of compensation from the employer or insurance carrier under the statute shall not operate as a bar to the action of the employee or his dependents, nor shall it be regarded as establishing a measure of damages therein. In the event that the employee or his dependent shall recover and be paid from said third person or his insurance carrier, any sum in release or in judgment on account of his or its liability to the injured employed or his dependents, the liability of the employer under the statute thereupon shall be only such as is hereinafter in this section provided.

NOTE: The Fireman's rule, which was at one time applicable to police and firefighters injured out of and in the course of their employment, precluded such emergency employees from recovering for personal injuries against third parties. This rule is no longer applicable in the State of New Jersey as of 1994.

NOTE: In motor vehicle accidents which are work related, the employee’s personal motor vehicle insurance and the subsequent insurance threshold will be applicable to tort claims when the individual is either operating a vehicle or a passenger in a motor vehicle, other than a commercial vehicle, even in workers’ compensation situations.

LIST OF AVAILABLE BENEFITS

The workplace and an individual employee’s day to day work related activities may create hazards the result in work related accidents, injury, and disease. When unfortunate situations result in physical harm to the worker and permanent disability occurs, the individual may be entitled to a workers’ compensation award but may be unaware of such entitlement. The workers’ compensation benefits may come in the form of:

1. Payment of authorized medical treatment
2. Total disability benefit
3. Permanent partial disability benefit
4. Temporary total compensation benefit

The Fourth Category of Benefits “Temporary Total Workers’ Compensation Payments” are those payments which are made to an employee while they are unable to fulfill their work duties and are temporarily of work while recuperating from the work related injury. Those payments are to be paid at a rate of 70% of an employee’s weekly wages not to exceed a maximum amount specified annually by the New Jersey Division of Workers’ Compensation. That maximum amount for the year 2011 is $792.00 per week. (See page 5 for the 2011 schedule of benefits.) However, typically Police Officers and fulltime Firefighters may be paid their full salary for one year pursuant to the following New Jersey statute:

N.J.S.A. 40A:9-7. LEAVE OF ABSENCE WITH PAY TO CERTAIN OFFICERS AND EMPLOYEES

The Board of chosen freeholders of any county, by resolution, or the governing body of any municipality by ordinance, may provide for granting leaves of absence with pay not exceeding one year to any of its officers or employees who shall be injured or disabled resulting from or arising out of his employment, provided that the examining physician appointed by the county or the municipality shall certify to such injury or disability.

Therefore, Police Officers and Firefighters “may” be paid their full salary, for one (1) year from the date of the injury. As cited above, this would be subject to “Resolution” for county employees or “Ordinance” for municipal employees; notwithstanding Collective Bargaining Agreements with the various Public Employment Bargaining Agents.

All employees should be aware of their workers’ compensation rights and seek the advice of an attorney when they are injured out of and in the course of their employment.
SCHEDULE OF DISABILITIES AND MAXIMUM BENEFITS EXCLUSIVE OF AMPUTATION AND ENucleATION  
EFFECTIVE 1/1/2011

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Footnote: Hand or Thumb and First and Second Fingers (on 1 Hand) or 4 Fingers (on 1 Hand)

EXPLANATION: The percent columns on the outside of the chart represent percentage of disability. The remaining columns show this percentage in terms of weeks and total benefits. The top figure in each box represents weeks, and the lower figure is dollar benefits.
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