Memorandum of Understanding (MOU)
between the U.S. Department of Energy (DOE) and
the Division of Workers' Compensation
of the New Jersey Department of Labor

1. PURPOSE

The U.S. Department of Energy (DOE) and the Division of Workers' Compensation of the New Jersey Department of Labor enter into this agreement to facilitate coordination and cooperation between the parties under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (Act) (Pub. L. 106-398).

2. AGREEMENT AND UNDERSTANDING BETWEEN DOE AND THE STATE OF NEW JERSEY

DOE and the Division of Workers' Compensation of the New Jersey Department of Labor enter into this agreement to facilitate operation of the DOE contractor worker assistance program, established pursuant to subtitle D of the Act, under which DOE may assist former or current contractor employees in filing claims under the New Jersey workers' compensation system.

A. Pursuant to subtitle D, the DOE will provide assistance to DOE contractor employees in filing claims under the State of New Jersey workers' compensation system for an illness caused by exposure to a toxic substance at a DOE facility in accordance with the process set forth at 10 CFR Part 852.

B. A positive determination pursuant to Part 852 will have no effect on the scope of New Jersey proceedings, the conditions for compensation, or the rights and obligations of the participants in the proceedings, except as provided in Subtitle D.

3. AREAS OF COOPERATION

A. DOE agrees to promptly notify the New Jersey Division of Workers' Compensation of workers' compensation claims that DOE has accepted as DOE work-related illnesses caused by exposure to toxic substances in response to a request for such information by the Division of Workers' Compensation.

B. Upon request by the DOE on form WC147, the Division of Workers' Compensation of the New Jersey Department of Labor agrees to provide, in a timely manner, information concerning the status or outcome of a workers' compensation claim filed with the New Jersey Division of Workers' Compensation by a DOE contractor employee or the employee's estate provided that the DOE agrees that it will not distribute such information in a manner contrary to N.J.S.A.34:15-128.

4. IMPLEMENTATION

The DOE office responsible for implementation of this agreement is Environment, Safety and Health. The State official responsible for the implementation of this agreement is Director/Chief Judge, Division of Workers' Compensation.

5. AMENDMENT AND TERMINATION

This agreement may be amended or modified upon written agreement by both parties to the Agreement. The Agreement may be terminated upon ninety (90) days written notice by either party.

6. EFFECTIVE DATE

This Agreement is effective when signed by both parties.

Beverly A. Cook
Assistant Secretary for
Environment, Safety and Health
Department of Energy

Peter J. Calderone
Director/Chief Judge
Division of Workers' Compensation
Department of Labor