

ASSEMBLY, No. 3933

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblywomen Dunn and B.DeCroce

SYNOPSIS

Revises workers' compensation coverage for certain injuries to volunteer and professional public safety and law enforcement personnel.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning workers' compensation coverage and amending
2 P.L.1987, c.382.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 1 of P.L.1987, c.382 (C.34:15-7.3) is amended to
8 read as follows:

9 1. a. For any cardiovascular or cerebrovascular injury or death
10 which occurs to an individual covered by subsection b. of this
11 section while that individual is engaged in a response to an
12 emergency, there shall be a rebuttable presumption that the injury
13 or death is fully compensable under R.S. 34:15-1 et seq., if that
14 injury or death occurs while the individual is responding **],** under
15 orders from competent authority, **]** to or remediating from a law
16 enforcement, public safety or medical emergency as defined in
17 subsection c. of this section.

18 b. This section shall apply to:

19 (1) Any permanent or temporary member of a paid or part-paid
20 fire or police department and force;

21 (2) Any member of a volunteer fire company;

22 (3) Any member of a volunteer first aid or rescue squad; **[and]**

23 (4) Any special, reserve, or auxiliary policeman doing volunteer
24 duty; and

25 (5) Any recognized emergency management member doing
26 volunteer duty.

27 c. As used in this section **[,]** :

28 "**[law]** Law enforcement, public safety or medical emergency"
29 means any combination of circumstances requiring immediate
30 action to prevent the loss of human life, the destruction of property,
31 or the violation of the criminal laws of this State or its political
32 subdivisions, and includes, but is not limited to, the suppression of
33 a fire, a firemanic drill, the apprehension of a criminal, or medical
34 and rescue service.

35 "Remediating from" means leaving an emergency in a reasonable
36 period of time, not to exceed 24 hours from the end of the
37 emergency, to carry out post-incident agency protocols and
38 decompression including measures such as critical incident stress
39 debriefings.

40 d. The presumption of compensability pursuant to subsection a.
41 of this section shall be rebuttable by use of casual factors such as
42 horseplay, skylarking, self-infliction, voluntary intoxication, and
43 illicit drug use.

44 e. Any cardiovascular or cerebrovascular injury or death-
45 related incident resulting in a dispute as to compensability shall be

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 decided coincidentally with the United States Department of
2 Justice, Public Safety Officers' Benefits Program findings.

3 (cf: P.L.1987, c.382, s.1)
4

5 2. This act shall take effect immediately, and shall apply to all
6 applicable injuries and deaths pending on the date of enactment.
7

8
9 STATEMENT
10

11 This bill revises the law governing workers' compensation
12 coverage for certain injuries to volunteer and professional public
13 safety and law enforcement personnel.

14 Under current law, there is a rebuttable presumption that any
15 cardiovascular or cerebrovascular injury or death which occurs to
16 individuals who are volunteer and professional public safety and
17 law enforcement personnel while those individuals are engaged in a
18 response to an emergency is compensable if that injury or death
19 occurs while the individual is responding, under orders from
20 competent authority, to an emergency.

21 This bill expands the individuals that are covered by the
22 presumption to include any recognized emergency management
23 member doing volunteer duty. It is also removes the requirement
24 that the individual must be responding to orders under competent
25 authority in order to recover, and provides that individuals are
26 covered by the presumption when remediating from an emergency.

27 The bill provides that the presumption of compensability is
28 rebuttable by use of casual factors such as horseplay, skylarking,
29 self-infliction, voluntary intoxication, and illicit drug use.

30 The bill provides that any cardiovascular or cerebrovascular
31 injury or death-related incident resulting in a dispute as to
32 compensability is to be decided coincidentally with the United
33 States Department of Justice, Public Safety Officers' Benefits
34 Program findings.