SENATE, No. 432

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)
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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

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

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

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

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

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; and

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

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

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

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

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

e. Any cardiovascular or cerebrovascular injury or death-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.

decided coincidentally with the United States Department of Justice, Public Safety Officers' Benefits Program findings.
(cf: P.L.1987, c.382, s.1)

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

STATEMENT

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

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

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

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

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