

ASSEMBLY, No. 5909

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 2, 2024

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



A5909 DEANGELO

2

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
13 response to the emergency included a work effort sufficient to cause
14 injury or death [is] and thus compensable under R.S. 34:15-1 et
15 seq., if that injury or death occurs while the individual is responding
16 [, under orders from competent authority,] to or, in the case of
17 paid, part-paid, or volunteer firefighters, or career emergency
18 medical technicians or paramedics, remediating from a law
19 enforcement, public safety or medical emergency as defined in
20 subsection c. of this section.

21 b. This section shall apply to:

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

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

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

26 (4) Any special, reserve, or auxiliary policeman doing volunteer
27 duty; and

28 (5) Any career emergency medical technician or paramedic,
29 employed by the State, a county, a municipality, or a private sector
30 counterpart, who is engaged in public emergency medical and
31 rescue services.

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

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

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

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 d. The presumption of compensability pursuant to subsection a.
2 of this section shall be rebuttable by use of causal factors such as
3 horseplay, skylarking, self-infliction, voluntary intoxication, and
4 illicit drug use. Rebuttal of the presumption based upon medical
5 causation shall require clear and convincing medical evidence that
6 the work experience was not a substantial cause of the
7 cardiovascular or cerebrovascular injury.
8 (cf: P.L.1987, c.382, s.1)

9
10 2. This act shall take effect immediately, and shall apply to all
11 applicable injuries and deaths pending on the date of enactment.

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14 STATEMENT

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

19 Under current law, there is a rebuttable presumption that any
20 cardiovascular or cerebrovascular injury or death which occurs to
21 individuals who are volunteer and professional public safety and
22 law enforcement personnel while those individuals are engaged in a
23 response to an emergency is compensable if that injury or death
24 occurs while the individual is responding, under orders from
25 competent authority, to an emergency. The bill clarifies that the
26 rebuttable presumption means that a response to an emergency was
27 a work effort sufficient to cause injury or death and is therefore
28 compensable under the workers' compensation law.

29 This bill expands the individuals that are covered by the
30 presumption to include any career emergency medical technicians
31 and paramedics employed by the State, a county, a municipality, or
32 a private sector counterpart who is engaged in public emergency
33 medical and rescue services. It also removes the requirement that
34 the individual must be responding to orders under competent
35 authority in order to recover, and provides that certain individuals
36 are covered by the presumption when remediating from an
37 emergency.

38 The bill provides that a rebuttal of the presumption of
39 compensability requires clear and convincing medical evidence that
40 the work experience was not a substantial cause of the
41 cardiovascular or cerebrovascular injury.

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