



**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Matthew Fazelpoor, 'Murphy takes action on slew of legislation', *NJBIZ*, 17 Jan 2024

CL/MM

P.L. 2023, CHAPTER 348, *approved January 16, 2024*  
Assembly, No. 5909 (*First Reprint*)

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, <sup>1</sup>members of a volunteer  
18 first aid or rescue squad,<sup>1</sup> or career emergency medical technicians  
19 or paramedics, remediating from a law enforcement, public safety  
20 or medical emergency as defined in 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.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted January 4, 2024.

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

6       d. The presumption of compensability pursuant to subsection a.  
7 of this section shall be rebuttable by use of causal factors such as  
8 horseplay, skylarking, self-infliction, voluntary intoxication, and  
9 illicit drug use. Rebuttal of the presumption based upon medical  
10 causation shall require clear and convincing medical evidence that  
11 the work experience was not a substantial cause of the  
12 cardiovascular or cerebrovascular injury.

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

14

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

17

18

19

20

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

# 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:

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

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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.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 5909**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 4, 2024

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5909.

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. The bill clarifies that the rebuttable presumption means that a response to an emergency was a work effort sufficient to cause injury or death and is therefore compensable under the workers' compensation law.

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

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

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

#### COMMITTEE AMENDMENTS:

The committee amended the bill to add members of a volunteer first aid or rescue squad to the list of individuals that are covered by

the presumption of compensability when injury or death occurs while remediating from an emergency.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency.

The OLS notes that the extent to these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 5909

### STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 11, 2024

#### SUMMARY

- Synopsis:** Revises workers' compensation coverage for certain injuries to certain volunteer and professional public safety and law enforcement personnel.
- Type of Impact:** Annual increase in State and local expenditures.
- Agencies Affected:** Department of Labor and Workforce Development.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>Local Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency.
- The OLS notes the extent of these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.

#### BILL DESCRIPTION

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. The bill clarifies that the rebuttable presumption means

that a response to an emergency was a work effort sufficient to cause injury or death and is therefore compensable under the workers' compensation law.

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

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

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

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency. The OLS notes the extent of these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.

The Department of Labor and Workforce Development does not have statistics which show either the overall proportion and dollar value of emergency service claims or the proportion and dollar value of the specific cardiovascular and cerebrovascular claims addressed by the bill. In the absence of these statistics, it is not possible to estimate the increase in total workers' compensation claims that will result from expanded eligibility. In addition, municipalities may elect to provide coverage by paying into the State disability plan, obtaining private insurance, or self-insuring for workers' compensation coverage. It is not possible to anticipate how the expanded eligibility rules would impact local spending in any of those specific categories, leading to the conclusion that the bill will generate an indeterminate spending increase at the local level as well.

*Section:* Commerce, Labor and Industry  
*Analyst:* John Gaudio  
Assistant Fiscal Analyst  
*Approved:* Thomas Koenig  
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 4267**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED JANUARY 2, 2024

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**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.



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  
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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  
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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.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 4267**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 4267.

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. The bill clarifies that the rebuttable presumption means that a response to an emergency was a work effort sufficient to cause injury or death and is therefore compensable under the workers' compensation law.

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

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

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

#### COMMITTEE AMENDMENTS:

The committee amended the bill to add members of a volunteer first aid or rescue squad to the list of individuals that are covered by the presumption of compensability when injury or death occurs while remediating from an emergency.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency.

The OLS notes the extent of these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 4267 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 11, 2024

### SUMMARY

- Synopsis:** Revises workers' compensation coverage for certain injuries to certain volunteer and professional public safety and law enforcement personnel.
- Type of Impact:** Annual increase in State and local expenditures.
- Agencies Affected:** Department of Labor and Workforce Development.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>Local Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency.
- The OLS notes the extent of these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.

### BILL DESCRIPTION

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. The bill clarifies that the rebuttable presumption means

that a response to an emergency was a work effort sufficient to cause injury or death and is therefore compensable under the workers' compensation law.

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

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

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

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency. The OLS notes the extent of these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.

The Department of Labor and Workforce Development does not have statistics which show either the overall proportion and dollar value of emergency service claims or the proportion and dollar value of the specific cardiovascular and cerebrovascular claims addressed by the bill. In the absence of these statistics, it is not possible to estimate the increase in total workers' compensation claims that will result from expanded eligibility. In addition, municipalities may elect to provide coverage by paying into the State disability plan, obtaining private insurance, or self-insuring for workers' compensation coverage. It is not possible to anticipate how the expanded eligibility rules would impact local spending in any of those specific categories, leading to the conclusion that the bill will generate an indeterminate spending increase at the local level as well.

*Section:* Commerce, Labor and Industry  
*Analyst:* John Gaudio  
Assistant Fiscal Analyst  
*Approved:* Thomas Koenig  
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Signs Workers' Compensation Bill for Certain First Responders

01/16/2024

**TRENTON** – Governor Phil Murphy today signed [A-5909/S-4267](#), which revises workers' compensation coverage for certain injuries to certain volunteer and professional public safety and law enforcement personnel. The bill amends current workers' compensation law to add that a response to an emergency, including work that is sufficient to cause certain injury or death, is compensable.

The bill also expands those who are covered to include any career emergency medical technicians and paramedics employed by the State, a county, a municipality, or a private sector counterpart who is engaged in public emergency medical and rescue services. In addition, paid, part-paid, or volunteer firefighters and police officers and members of a volunteer fire or rescue squad are eligible for compensation.

"Our first responders experience a tremendous amount of stress while putting their lives on the line for our safety. Worrying about compensation upon injury should not be a concern while they are providing critical emergency services," **said Governor Murphy**. "Our first responders and essential workers are a top priority for our Administration, which is why I am proud to sign this bill into law today to provide these workers and their families with compensation coverage for the injuries that they sustain while they are on the job."

"Workers' Compensation provides peace of mind to workers, who know they will receive wage replacement and medical coverage for any illness or injuries sustained during the course of their employment. This law further protects first responders – who put themselves in harm's way in order to help others – in emergency situations," **said Labor Commissioner Robert Asaro-Angelo**.

The primary sponsors of this bill are Senator Paul Sarlo and Assemblyman Wayne DeAngelo. Other prime sponsors of this bill include then-Assemblyman, now Senator Parker Space, former Senator Steven Oroho, and former Assemblyman Harold Wirths.

"Emergency responders have earned our support and appreciation," **said Senator Paul Sarlo, the chairman of the Senate Budget Committee and Mayor of Wood-Ridge**. "They put their lives on the line to protect the safety of the residents of New Jersey and provide the immediate care that is vital for those who are injured or experiencing medical emergencies. If they suffer health emergencies of their own due to the dangers of their jobs, the responders and their families deserve the compensation they have earned. This law will bring more fairness to the workers compensation system."

"Firefighters, police, first aid crews and others who respond to emergencies act heroically each and every day," **said Assemblyman Wayne DeAngelo**. "I'm pleased to see this bill signed into law, as it will benefit both our volunteer and professional public safety and law enforcement personnel."

"This legislation will make sure that our firefighters, police officers, and EMTs are justly compensated if they sustain injuries responding to an emergency," **said then-Assemblyman now Senator Parker Space**. "Whether you are a volunteer or a career first responder, making sure these men and women who sacrifice so much for their communities are taken care of in a time of need is paramount."

"The inspiration for this bill is Scott Danielson, an EMT with the Lakeland Ambulance Squad who died from a heart attack hours after responding to a motor vehicle crash involving his daughter. The Danielson family had to fight for years to be awarded compensation after Scott's passing. What the Danielson family went through extended their grief and sorrow for losing Scott for years, it is unfathomable that it took so long for his family to receive closure. On the eighth anniversary of his passing, with the signing of this legislation, we've ensured that no other family will have to bear that burden," **said Matthew Caliente, President, Professional Firefighters Association of New Jersey**. "The work of our members, firefighters, EMTs, and paramedics is physical in nature, and when you add the emotional and environmental stressors that we bring home after our shift, our bodies are negatively impacted hours and days after the response is over."

"This is an incredibly important piece of legislation that safeguards paramedics and EMTs who are often overlooked when it comes to protections despite working in extraordinary stressful and often dangerous conditions. We deeply appreciate the governor's support of EMS providers throughout the state and we look forward to working with him and his administration to further progress EMS in NJ," **said Ben Dafilou, Executive Director, Paramedics for the Advancement of NJ EMS**.

"This law further recognizes the risks that firefighters and other first responders face when they respond to an emergency," **said Eddie Donnelly, President of the NJFMBA, representing more than 6,000 professional firefighters, EMTs, and dispatchers across New Jersey**. "Many of the dangers of our jobs are obvious, others more subtle, all potentially deadly. Today the families of more first responders are protected should their loved one answer final alarm. Thank you, Governor Murphy, for once again showing your support to the men and women that keep our communities safe."