

34:15-7.3

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 34:15-7.3 (Emergency personnel-- expand Workers' Compensation)

**LAWS OF:** 1987 **CHAPTER:** 382

**BILL NO:** A3374

**Sponsor(s):** Kalik

**Date Introduced:** October 27, 1987

**Committee:** **Assembly:** Labor  
**Senate:** Labor, Industry and Professions

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** September 14, 1987  
**Senate:** December 21, 1987

**Date of Approval:** January 8, 1988

following statements are attached if available:

**Sponsor statement:** Yes Attached: Assembly amendments, adopted 9-1-87 (with statement)

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

[OFFICIAL COPY REPRINT]  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3374**  
**STATE OF NEW JERSEY**

ADOPTED FEBRUARY 19, 1987

Sponsored by Assemblywoman KALIK

AN ACT concerning workers' compensation coverage for certain  
volunteer and professional public safety and law enforcement  
personnel and supplementing Title 34 of the Revised Statutes.

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

1 \***[**1. a. Section 3 of P. L. 1979, c. 283 (C. 34:15-7.2) shall not  
2 apply to any cardiovascular or cerebral vascular injury or death  
3 occurring to an individual covered by subsection b. of this section if  
4 that injury or death occurs while the individual is responding, under  
5 orders from a competent authority, to a law enforcement, public  
6 safety or medical emergency as defined in subsection c. of this  
7 section. For any cardiovascular or cerebral vascular injury or  
8 death which occurs to an individual covered by this section, while  
9 that individual is engaged in a response to an emergency, there  
10 shall be a rebuttable presumption that the injury or death was  
11 compensable under R. S. 34:15-1 et seq.]\*

11A \*1. a. *For any cardiovascular or cerebral vascular injury or*  
11B *death which occurs to an individual covered by subsection b. of*  
11C *this section while that individual is engaged in a response to an*  
11D *emergency, there shall be a rebuttable presumption that the injury*  
11E *or death is compensable under R. S. 34:15-1 et seq., if that injury*  
11F *or death occurs while the individual is responding, under orders*  
11G *from competent authority, to a law enforcement, public safety or*  
11H *medical emergency as defined in subsection c. of this section.\**

12 b. This section shall apply to:

- 13 (1) Any permanent or temporary member of a paid or part-  
14 paid fire or police department and force;  
15 (2) Any member of a volunteer fire company;

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly amendment adopted September 10, 1987.**

16 (3) Any member of a volunteer first aid or rescue squad; and  
17 (4) Any special, reserve, or auxiliary policeman doing volunteer  
18 duty.

19 c. As used in this section, "law enforcement, public safety or  
20 medical emergency" means any combination of circumstances re-  
21 quiring immediate action to prevent the loss of human life, the  
22 destruction of property, or the violation of the criminal laws of  
23 this State or its political subdivisions, and includes, but is not  
24 limited to, the suppression of a fire, a firematic drill, the appre-  
25 hension of a criminal, or medical and rescue service.

1 2. This act shall take effect immediately.

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WORKERS' AND UNEMPLOYMENT COMPENSATION

Expands workers' compensation protection for fire, police, and  
other emergency personnel.

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A3374 (1986)

4

103 lic fire duty, *acting in the line of duty*, or public first aid or rescue  
104 squad duty, as the same are defined in this section, at the request  
105 of the chief or acting chief of a fire company or the president or  
106 person in charge of a first aid or rescue squad for the time being.

107 Nothing herein contained shall be construed as affecting or  
108 changing in any way the provisions of any statute providing for  
109 sick, disability, vacation or other leave for public employees or any  
110 provision of any retirement or pension fund provided by law.

1 2. (New section) Section 3 of P. L. 1979, c. 283 (C.34:15-7.2)  
2 shall not apply to any cardiovascular or cerebral vascular injury or  
3 death resulting therefrom if that injury or death occurs to a  
4 permanent or temporary member of a paid or part-paid fire or  
5 police department and force and if that injury or death occurs to  
6 the member while he is acting in the line of duty. Any cardio-  
7 vascular or cerebral vascular injury or death resulting therefrom  
8 which occurs to such member while he is acting in the line of duty  
9 shall be compensable.

1 3. This act shall take effect immediately.

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#### SPONSORS' STATEMENT

This bill relieves volunteer and professional firefighters and police officers as well as volunteer rescue, first aid, and ambulance squad members from the burden of proof in workers' compensation law which requires these officers and all workers to prove that their cardiovascular and cerebral vascular injuries or deaths are directly and specifically related to their actions in the line of duty before those injuries or deaths can be compensated under the State's workers' compensation law (R. S. 34:15-1 et seq.) Under the bill, any cardiovascular or cerebral vascular injury or death that accrues to a police officer, firefighter, or emergency squad member acting in the line of duty would be compensable merely if that injury or death occurred while the officer, firefighter, or member was acting in the line of duty.

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#### WORKERS' AND UNEMPLOYMENT COMPENSATION

Expands workers' comp. protection for fire, police, and emergency personnel.

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ASSEMBLY LABOR COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3374**  
**STATE OF NEW JERSEY**

DATED: FEBRUARY 19, 1987

The Assembly Labor Committee reports favorably this Assembly Committee Substitute for Assembly Bill No. 3374.

The substitute relieves firefighters, police officers, and rescue, first aid and ambulance squad volunteers, or their beneficiaries, from the burden of proving that their cardiovascular and cerebral vascular injuries or deaths are directly and specifically related to their actions in the line of duty before those injuries or deaths can be deemed compensable under the workers' compensation act (R. S. 34:15-1 et seq.). Any cardiovascular or cerebral vascular injury or death that occurred to a police officer, firefighter, or emergency squad member would be deemed compensable under this bill if the injury or death occurred while the officer, firefighter, or emergency squad member was engaged in a response to an emergency, under orders from competent authority, and if the insurer cannot show that there is no direct connection between the actions of the officer, firefighter, or emergency squad member and his injuries or death. Cardiovascular and cerebral vascular injuries or deaths which occur to these persons outside of the circumstances identified in the bill would be compensable only if the victim or his beneficiaries could prove that the injury or death was directly and specifically related to the work effort involved in the performance of the service covered by the workers' compensation act.

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SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3374**

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 14, 1987

This bill relieves firefighters, police officers, and rescue, first aid and ambulance squad volunteers, or their beneficiaries, from the burden of proving that their cardiovascular and cerebral vascular injuries or deaths are directly and specifically related to their actions in the line of duty before those injuries or deaths can be deemed compensable under the "workers' compensation act," R. S. 34:15-1 et seq. Any cardiovascular or cerebral vascular injury or death that occurred to a police officer, firefighter, or emergency squad member would be deemed compensable under this bill if the injury or death occurred while the officer, firefighter, or emergency squad member was engaged in a response to an emergency, under orders from competent authority, and if the employer or insurer cannot show that there is no direct connection between the actions of the officer, firefighters, or emergency squad member and his injuries or death. Cardiovascular and cerebral vascular injuries or deaths which occur to these persons outside of the circumstances identified in the bill would be compensable only if the victim or his beneficiaries could prove that the injury or death was directly and specifically related to the work effort involved in the performance of the service covered by the "workers' compensation act."

ADOPTED  
SEP 10 1987

ASSEMBLY Amendments  
(Proposed by Assemblyman  
Kavanaugh)

to

ADOPTED  
SEP 10 1987

Assembly Bill No. 3374 ACS  
(Sponsored by Assemblywoman Kalik)

Amend:

Page Sec. Line

1	1	1-11	Omit in entirety; insert "1.a. For any cardiovascular or cerebral vascular injury or death which occurs to an individual covered by subsection <sup>or</sup> 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 compensable under R.S. 34:15-1 <sup>or</sup> et seq., if that injury or death occurs while the individual is responding, under orders from competent authority, to a law enforcement, public safety or medical emergency as defined in subsection <sup>or</sup> c. of this section."
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STATEMENT

This amendment removes from the bill a provision which clearly exempts the emergency-related injuries or deaths of police officers, firefighters, and emergency personnel from the burden of proof established in N.J.S.A 34:15-7.2. Under that section of law, the injured party is required to prove by a preponderance of the credible evidence that the

ASSEMBLY Amendments  
(Proposed by Assemblyman  
Kavanaugh)

to

Assembly Bill No. 3374 ACS  
(Sponsored by Assemblywoman Kalik)

Amend:

Page Sec. Line

cardiovascular or cerebral vascular injury or death was not produced by the work effort or strain involving a substantial condition, event or happening in excess of the wear and tear of the claimant's daily living and that the work effort or strain in reasonable medical probability did not cause the cardiovascular or cerebral vascular injury or death. The amendment also establishes a rebuttable presumption that the emergency-related injury or death is compensable. This is in conflict with existing law which requires the claimant to prove the compensability of those injuries or deaths.