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June 6, 2018

Re: URGENT ALERT

Final Senate Action on First Responders Workers' Comp Rewrite Scheduled for Thursday

The Senate is scheduled to vote on [S-716](#), tomorrow, Thursday, June 7. This bill creates a rebuttable presumption of workers' compensation coverage for public safety workers and other employees in certain circumstances. The public safety workers covered by the bill include paid or volunteer emergency, correctional, fire, police and certain medical personnel.

David N. Grubb, Executive Director of New Jersey's Municipal Excess Liability Joint Insurance Fund, has written a concerning [analysis of the potential costs](#) of the bill, as currently drafted. After reading that report, please contact your State Senator, urging opposition to S-716, in its current form.

Under S-716, New Jersey local taxpayers will be forced to subsidize the Federal Government. Municipalities will be required to reimburse the Medicare program for medical payments incurred by retirees collecting workers' compensation under this Act.

S-716 will make it almost impossible to contest claims. Under current law in New Jersey, the standard to rebut the presumption of compensability is "preponderance of the evidence." In S-716, the standard is raised to the impossible "clear and convincing." Only one state, Oregon, uses that standard. However, Oregon excludes volunteers from the presumption and requires career firefighters to report any claims within 7 years of retirement. The other states use the more reasonable "preponderance of the evidence" standard currently used in New Jersey.

Further, S-716 presumes that all cancers are due to on the job exposures. The most comprehensive study that we are aware of was published by the National Institute for Occupational Safety and Health (NIOSH). The study concluded that career firefighters had

a significantly higher rate of mesothelioma and an elevated rate of respiratory, digestive, and urinary cancers. The study does not support the presumption that all cancers are job related.

Our recommendation is to create a study commission to examine the issue, review the NIOSH study and consider the experience of other states. Further, this issue should be addressed outside of workers' compensation.

The Assembly companion, A-1741, awaits consideration before the Assembly Labor Committee.

Please urge your State Senator to oppose S-716, as currently drafted. You can find information on how to contact [your State Legislators](#) here.

Thank you.

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