

Firefighter Heart Attacks:

Heart attack is the most common cause of on-duty firefighter fatalities. Yet, existing regulations do not require firefighters to pass periodic medical examinations. This is especially a problem with volunteer firefighters who often tend to be older than their counterparts in career departments. The MEL recommends that Departments require annual reexaminations consistent with NFPA Standard 1582, Chapter 7.4-7.7.

The current compensation system for volunteers has substantial problems and needs to be reformed. Many volunteers are worried that their families will not be properly cared for if something happens to them while on duty. Career firefighters in New Jersey are covered by both the state pension system and workers' compensation. Under the law, benefits are coordinated so that the survivors receive the higher to the two systems. Typically, the benefits are higher under the pension system.

Volunteers in New Jersey are not covered by a pension and must depend upon workers' compensation. NJSA 34:15-7.3 provides:

“For any cardiovascular or cerebrovascular injury or death which occurs to an individual...while...engaged in a response to an emergency, there shall be a rebuttable presumption that the injury or death is compensable under (workers' compensation) if that injury or death occurs while the individual responding, under orders from competent authority, to law enforcement, public safety or medical emergency...”

Workers' compensation benefits can be substantial. However, the “rebuttable presumption” language in the New Jersey statute has the effect of eliminating or substantially reducing many of these claims because significant preexisting heart disease is often present in these cases.

The MEL believes that the legislature needs to scrap the presumption language and replace it with a guaranteed benefit outside of workers' compensation. For example, it will be significantly less expensive to provide benefits through a municipal funded life insurance program than through workers' compensation. As a result, the survivors of volunteer firefighters who die of heart attacks in the line of duty will receive a benefit that is not impacted by subsequent medical testimony concerning preexisting heart disease.