

[Second Reprint]  
**SENATE, No. 879**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

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**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

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**District 35 (Bergen and Passaic)**

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**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Downey**

**SYNOPSIS**

Prohibits termination of law enforcement officer or firefighter based upon determination that officer or firefighter is physically unable to perform duties under certain circumstances.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on December 5, 2016, with amendments.

**An Act** concerning law enforcement officers <sup>2</sup>and firefighters<sup>2</sup> and supplementing Title 52 of the Revised Statutes <sup>2</sup>and Title 40A of the New Jersey Statutes <sup>2</sup>.

**Be It Enacted** *by the Senate and General Assembly of the State of New Jersey:*

1. a. A State, county, or municipal law enforcement officer who has been injured in the performance of <sup>2</sup>[his] the officer's<sup>2</sup> duties shall not be discharged from employment as a result of a determination, based upon a medical examination by a physician designated by the employer of the <sup>2</sup>[law enforcement]<sup>2</sup> officer, that the <sup>2</sup>[law enforcement]<sup>2</sup> officer is physically incapacitated, due to the injuries, for the performance of <sup>2</sup>[his] the officer's<sup>2</sup> usual <sup>2</sup>[duty] duties<sup>2</sup> or any other available <sup>2</sup>[duty] duties<sup>2</sup> in the department which the employer is willing to assign <sup>2</sup>[him] to the officer<sup>2</sup>.

b. Pending retirement, the employer of the law enforcement officer shall maintain health insurance for the <sup>2</sup>[law enforcement]<sup>2</sup> officer at the level that coverage was provided prior to the injury.

c. The provisions of this section shall apply only when the law enforcement officer has filed an application for retirement with the Police and Firemen's Retirement System, the State Police Retirement System, or the Public Employees' Retirement System and the <sup>2</sup>[law enforcement]<sup>2</sup> officer has sick leave or <sup>2</sup>[workmen's] workers'<sup>2</sup> compensation time available <sup>1</sup>[or the law enforcement agency is able to assign the law enforcement officer to light duty pending retirement]<sup>1</sup>.

d. The provisions of this section shall apply to both civil service and non-civil service jurisdictions.

<sup>2</sup>2. a. As used in this section:

"Firefighter" shall mean a permanent, full-time, paid employee of a firefighting unit whose primary duties include the control and extinguishment of fires and who is subject to the training and physical and mental fitness requirements applicable to the position of firefighter established by an agency authorized to establish these requirements on a Statewide basis, or comparable training and physical and mental fitness requirements as determined by the board of trustees. The term also shall include an administrative or supervisory employee of a firefighting unit whose duties include general or direct supervision of employees engaged in fire control and extinguishment activities or training responsibility for these employees, and a requirement for engagement in fire control and extinguishment activities if necessary.

"Firefighting unit" shall mean a paid municipal fire department, a fire district, or an agency of a county or the State which is responsible for the control and extinguishment of fires.

b. A firefighter who has been injured in the performance of the firefighter's duties shall not be discharged from employment as a result of a determination, based upon a medical examination by a physician designated by the employer of the firefighter, that the firefighter is physically incapacitated, due to the injuries, for the performance of the firefighter's usual duties or any other available duties in the firefighting unit which the employer is willing to assign to the firefighter.

c. Pending retirement, the employer of the firefighter shall maintain health insurance for the firefighter at the level that coverage was provided prior to the injury.

d. The provisions of this section shall apply only when the firefighter has filed an application for retirement with the Police and Firemen's Retirement System or the Public Employees' Retirement System and the firefighter has sick leave or workers' compensation time available.

e. The provisions of this section shall apply to both civil service and non-civil service jurisdictions.<sup>2</sup>

<sup>2</sup>[2.] 3.<sup>2</sup> This act shall take effect immediately.