

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 510

# STATE OF NEW JERSEY

DATED: MAY 10, 2010

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 510.

This bill authorizes the governing body of any municipality or the board of commissioners of any fire district which maintains a volunteer fire department to require any volunteer to supply a physician's certificate, no more than once per year, as a condition for continuing to serve as a volunteer or being accepted as a volunteer by that municipality or fire district.

Under the bill's provisions, a municipality or fire district that imposes a requirement that a volunteer firefighter submit a physician's certificate must reimburse the volunteer for all out-of-pocket expenses associated with obtaining the certificate. The bill also revises the laws governing the compensation of volunteer firefighters to allow the volunteer to be reimbursed for the out-of-pocket costs associated with obtaining the physician's certificate.

Current law does not directly address the physical condition of such volunteers but instead covers the insurance and liability issues related to the potentially dangerous work that they do. Under current law, such volunteers may be covered by life insurance and other insurance considered necessary for the protection, safety, and welfare of the municipality which is otherwise provided to public employees. In addition, under N.J.S.59:6-4, public entities and public employees are deemed not liable for injury caused by the failure to make "a physical or mental examination, or to make an adequate physical or mental examination, of any person for the purpose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to the health or safety of himself or others...."

Title 18A authorizes boards of education to require employees to undergo a physical examination which may include individual psychiatric or physical examinations of any employee. Current law is silent, however, with regard to the power of municipalities and fire districts to require volunteers to produce physicians' certificates.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.