

HOUSE No. 1689

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to needle stick injuries suffered by first responders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/15/2015</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2015</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/30/2015</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>1/16/2015</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/30/2015</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/2/2015</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/26/2015</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/29/2015</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/28/2015</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/23/2015</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/29/2015</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2015</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/30/2015</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>3/2/2015</i>

HOUSE No. 1689

By Mr. Calter of Kingston, a petition (accompanied by bill, House, No. 1689) of Thomas J. Calter and others relative to the pay of first responders out of work due to needlestick injuries suffered in the line of duty. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to needle stick injuries suffered by first responders.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 149 of the General Laws is hereby amended by inserting after section 33E, as
2 appearing in the 2012 Official Edition, the following section:-

3 Section 33F. (a) For purposes of this section, the following words, unless the context
4 clearly requires otherwise, shall have the following meanings:-

5 “Employer”, an employer, employment agency, the commonwealth or any of its political
6 subdivisions, by itself or its agents.

7 “First responder”, any police officer, firefighter, EMS first responder, as defined by
8 section 1 of chapter 111C, or correction officer.

9 (b) Whenever the skin of any first responder is punctured or scratched by a syringe,
10 needle, tooth, human or otherwise, or other sharp instrument, while in the performance of duty,
11 the employer of such first responder shall continue to pay the first responder for any scheduled

12 time that, as a result of the need for treatment for the prevention or diagnosis of any infectious
13 disease, including potential HIV, AIDS or hepatitis, the first responder is forced to be absent
14 from his or her employment until such time as a blood test determines that the first responder has
15 not been infected or the first responder receives, as a result of the puncture or scratch or
16 treatment thereof, compensation pursuant to section 34 or 35, whichever occurs first; provided,
17 however, that the injured first responder shall submit a written incident report detailing the
18 incident whereby the first responder was punctured or scratched to the first responder's superior
19 officer or a person designated by the employer within 5 days of the incident.

20 (c) A blood test to determine whether or not the first responder was infected as a result of
21 the incident shall be taken at the earliest possible date in accordance with regulations to be
22 promulgated by the department of public safety.

23 (d) Notwithstanding subsection (b), if, after a reasonable investigation, the first
24 responder's superior officer or a person designated by the employer, doubts the truthfulness of
25 the first responder's incident report, the employer may withhold payment required under
26 subsection (b) after providing notification to the first responder. Within 20 days of receiving
27 notification, a first responder may appeal an employer's decision to withhold payment to the
28 secretary of public safety and the secretary may, after a hearing of which all interested parties
29 shall have reasonable notice, approve or disapprove the employer's decision to withhold
30 payment. In the event that the decision to withhold payment is disapproved, the secretary shall
31 direct the employer to make payment in accordance with subsection (b).

32 (e) This section shall not affect the first responder's right to receive vacation time, sick
33 leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for

- 34 which the individual is otherwise eligible or any other advantages or rights of employment
- 35 incident to the position.