



One Winthrop Square, Boston, MA 02110
617-426-7272 or 800-882-1498
Facsimile 617-426-9546 • www.emiaa.org

June 17, 2011

Re: EMT and Firefighter/EMT "Injury-On-Duty" Status

Dear MIIA Member:

We have been getting a lot of feedback on our interpretation of state law regarding "injury-on-duty" status for both EMT (Emergency Medical Technician) and Firefighter/EMT. We wanted to update you concerning our conclusions dealing with those issues.

When an EMT, who is not a public safety employee, suffers an on-the-job injury his/her injury and absence from work will normally be treated under the Workers' Compensation statute (M.G.L. c. 152). If, however, the employing governmental unit has accepted M.G.L. c. 41, Section 111M, the employee may opt to receive "injured leave" pursuant to that statute (rather than under c. 152). On the other hand, a police officer or firefighter who suffers an on-the-job injury will be eligible for leave pursuant to c. 41, Section 111F.

We have been concerned with the proper treatment of injuries suffered by firefighter/ EMTs when they are acting as EMTs. Our Workers' Compensation consultants and attorneys have advised us that, under c. 152, an employee whose position involves two or more separate job functions will normally have his/her Workers' Compensation benefits based upon the particular function that s/he was performing at the time of his/her injury. Based upon parallel reasoning, we have considered whether a firefighter/EMT who is injured while performing EMT functions should be covered by Workers' Compensation (or by c. 41, Section 111M, if the employing governmental unit has accepted that statute) rather than by c. 41, Section 111F. While we were initially inclined to accept that reasoning, we have subsequently received extensive feedback from various sources, including municipal managers, fire chiefs and human resources managers, who have suggested that we should revisit our interpretation. To that end, MIIA has reviewed the issue with a well-respected municipal labor attorney. He has advised MIIA that, under current law, there is little doubt that a firefighter who was injured while performing EMT functions would be eligible for leave pursuant to c. 41, Section 111F.

Based upon that interpretation, as well as upon the extensive feedback we received, MIIA has concluded that injuries suffered by firefighters while performing EMT functions should be treated under c. 41, Section 111F.

We appreciate the responses and valuable feedback from our members. As always, it is a privilege and a pleasure to serve the membership and to be responsive to your needs and concerns. We appreciate your support and commitment to MIIA.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley J. Corcoran".

Stanley J. Corcoran
Executive Vice President