



**Public Hearing Testimony of
Glenn Marshall, Commissioner
Department of Labor
Labor and Public Employees Committee
March 8, 2012**

Good Afternoon Senator Prague, Representative Zalaski, Senator Guglielmo, Representative Rigby and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with testimony regarding ***House Bill #5236 AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer under the Occupational Safety and Health Act.*** My name is Glenn Marshall and I am the Commissioner of the Department of Labor.

I am here today to speak in support of this bill. CONN-OSHA enforces state occupational safety and health regulations as they apply to state and municipal employees. This proposal is technical in nature and clarifies the Connecticut Department of Labor's jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011).

Historically, CONN-OSHA has considered all fire departments, including volunteer fire departments, under its jurisdiction under the Act. In 2008, a volunteer fire department challenged this authority. In 2011, the Connecticut Supreme Court ruled that this particular volunteer fire department, though not necessarily all volunteer fire departments, was not specifically covered under the Act. SB #5236 seeks to technically correct the definition of "employer" under the Act to ensure coverage of all Connecticut volunteer fire department and volunteer ambulance departments.

Generally, Federal OSHA has determined that it does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of the volunteer departments' affiliation with municipalities. Federal OSHA only has jurisdiction over private entities and does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of its determination that there is no employer/employee relationship. Without this legislation, certain volunteer fire departments and volunteer ambulance companies would not be protected under either state or federal law. H.B.# 5236 will allow CONN-OSHA to protect our volunteer firefighters and ambulance workers.

Thank you for the opportunity to provide this testimony. I am available to answer any questions you may have.

