



House of Representatives

File No. 580

General Assembly

February Session, 2012 **(Reprint of File No. 149)**

Substitute House Bill No. 5236
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 23, 2012

**AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND
AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER
UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (d) of section 31-367 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (d) "Employer" means the state and any political subdivision
5 thereof, and, except as provided in section 31-369, any volunteer fire
6 department and any volunteer ambulance company;

7 Sec. 2. Section 31-369 of the general statutes is repealed and the
8 following is substituted in lieu thereof (*Effective October 1, 2012*):

9 (a) This chapter applies to all employers, employees and places of
10 employment in the state except the following: (1) Employees of the
11 United States government; [and] (2) working conditions of employees
12 over which federal agencies other than the United States Department
13 of Labor exercise statutory authority to prescribe or enforce standards

14 or regulations affecting occupational safety and health; and (3) any
15 volunteer fire department or volunteer ambulance company that can
16 demonstrate such department or company is regulated by the
17 Occupational Safety and Health Act of 1970 (15 USC 651 et seq.).

18 (b) Nothing in this chapter shall be construed to supersede or in any
19 manner affect any workers' compensation law or to enlarge, diminish
20 or affect in any manner common law or statutory rights, duties or
21 liabilities of employers or employees, under any law with respect to
22 injuries, diseases or death of employees arising out of and in the course
23 of employment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	31-367(d)
Sec. 2	October 1, 2012	31-369

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires volunteer fire and ambulance companies to comply with the state's Occupational Safety and Health Act (Conn-OSHA) unless they can demonstrate they are covered by the federal OSHA. It has no fiscal impact as it is not anticipated to significantly decrease the number of investigations the Department of Labor (DOL) performs. DOL has historically considered all volunteer fire and ambulance companies within the jurisdiction of Conn-OSHA.

House "A" struck the underlying bill, which had no fiscal impact. The substitute language results in the fiscal impact identified above.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5236 (as amended by House "A")******AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND
AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER
UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT.*****SUMMARY:**

This bill requires a volunteer fire department or volunteer ambulance company to comply with the state's Occupational Safety and Health Act (Conn-OSHA), unless it can demonstrate that it is under federal OSHA jurisdiction. By law, Conn-OSHA governs workplace safety for the state and its political subdivisions while federal OSHA governs workplace safety in the private sector. Under current law, certain volunteer fire departments are not considered political subdivisions and therefore are not under Conn-OSHA jurisdiction. In general, volunteer fire departments and ambulance companies do not come under federal OSHA jurisdiction unless they are privately chartered and have paid employees.

*House Amendment "A" exempts volunteer fire departments and ambulance companies from Conn-OSHA jurisdiction if they can show that they are covered under federal OSHA jurisdiction.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Related Case***

In *Mayfied v. Goshen Volunteer Fire Company* (301 Conn. 739 (2011)), the state Supreme Court ruled that a volunteer fire company that was privately chartered and not under the control of a municipality was not a political subdivision of the state and therefore not subject to Conn-OSHA jurisdiction.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (03/15/2012)

Public Safety and Security Committee

Joint Favorable

Yea 12 Nay 10 (04/11/2012)