



**Public Hearing Testimony of
Sharon Palmer, Commissioner
Department of Labor
Labor and Public Employees Committee
February 26, 2013**

Good Afternoon Senator Osten, Representative Tercyak, Senator Markley, Representative Smith and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with testimony regarding ***House Bill #6434 AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer under the Occupational Safety and Health Act***. My name is Sharon Palmer 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 #6434 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.

A 2008 letter of interpretation from Federal OSHA specifically states:

“As you may be aware, Federal OSHA does not generally cover volunteer firefighters. While Federal OSHA would cover volunteer companies established as private sector entities, with one or more paid employees, it does not cover state and local government employees. The Occupational Safety and Health Act of 1970 encourages states to assume responsibility for their own occupational safety and health programs under plans approved by the U.S. Department of Labor. Each state plan must provide coverage for public employees of the state and political subdivisions. That coverage must be at least as effective as the coverage provided to private sector employees. Whether volunteer firefighters are covered by a state plan depends on whether the applicable state plan considers them employees for purposes of coverage”.