



# House of Representatives

General Assembly

**File No. 293**

February Session, 2014

Substitute House Bill No. 5070

*House of Representatives, April 2, 2014*

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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2 repealed and the following is substituted in lieu thereof (*Effective*  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, 2014*):

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

8 Sec. 2. Section 31-369 of the general statutes is repealed and the  
9 following is substituted in lieu thereof (*Effective October 1, 2014*):

10 (a) This chapter applies to all employers, employees and places of  
11 employment in the state except the following: (1) Employees of the

12 United States government; [and] (2) working conditions of employees  
 13 over which federal agencies other than the United States Department  
 14 of Labor exercise statutory authority to prescribe or enforce standards  
 15 or regulations affecting occupational safety and health; and (3) any  
 16 volunteer fire department or volunteer ambulance company that can  
 17 demonstrate such department or company is regulated by the  
 18 Occupational Safety and Health Act of 1970 (15 USC 651 et seq.).

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	31-367(d)
Sec. 2	October 1, 2014	31-369

**Statement of Legislative Commissioners:**

Section 3 of the bill was struck as unnecessary and not substantive.

**LAB**      *Joint Favorable Subst.*

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.

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

The bill clarifies that volunteer fire departments and volunteer ambulance companies fall within the state's Occupational Safety and Health Act (Conn-OSHA), unless it is demonstrated that they are under federal OSHA jurisdiction. This does not result in any fiscal impact as the Department of Labor has historically considered volunteer fire and ambulance companies within its jurisdiction.

For the past three fiscal years, volunteer fire companies have paid between \$1,200 and \$3,000 annually in OSHA penalties.

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

Sources: Department of Labor Occupational Safety and Health Division

**OLR Bill Analysis****sHB 5070*****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; thus, non-governmental volunteer fire departments and ambulance companies are not considered under its jurisdiction. They are not covered by federal OSHA unless they are privately chartered and have paid employees.

EFFECTIVE DATE: October 1, 2014

**BACKGROUND*****Related Case***

In *Mayfield 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 Substitute

Yea 10    Nay 0    (03/18/2014)