



House of Representatives

General Assembly

File No. 378

January Session, 2015

Substitute House Bill No. 6873

House of Representatives, April 1, 2015

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 INJURED VOLUNTEER FIREFIGHTERS AND SICK LEAVE BENEFITS.

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

1 Section 1. Section 5-249 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) Any state employee who is an active volunteer firefighter or
4 member of a volunteer ambulance service or company (1) may, with
5 the authorization of such employee's appointing authority, be
6 permitted to leave work in order to respond to fire calls or ambulance
7 calls during such employee's regular hours of employment without
8 loss of pay, vacation time, sick leave or earned overtime accumulation,
9 or (2) shall be permitted to respond to such calls prior to reporting for
10 work without such prior authorization and without loss of pay,
11 vacation time, sick leave or earned overtime accumulation, provided in
12 either case, if requested by such employee's appointing authority, such
13 employee submits a written statement from the chief of the volunteer

14 fire department or the medical director or chief administrator of the
15 volunteer ambulance service or company verifying that such employee
16 responded to a fire or ambulance call and specifying the date, time and
17 duration of such response.

18 (b) Any state employee who is a certified disaster service volunteer
19 of the American Red Cross may, with the authorization of such
20 employee's supervisor, be granted a leave not to exceed fifteen
21 working days in each year to participate in specialized disaster relief
22 services for the American Red Cross, upon the request of the American
23 Red Cross, without loss of pay, vacation time, sick leave or earned
24 overtime accumulation.

25 (c) Any state employee who is an active volunteer firefighter or
26 member of a volunteer ambulance service or company may, with the
27 authorization of such employee's appointing authority, be allowed to
28 attend training sessions or drills during such employee's regular hours
29 of employment without loss of pay, overtime accumulation or sick
30 leave.

31 (d) Any state employee who is an active member of a volunteer
32 canine search and rescue team (1) may, with the authorization of such
33 employee's supervisor, be permitted to leave work in order to respond
34 to search or rescue calls during such employee's regular hours of
35 employment without loss of pay, vacation time, sick leave or earned
36 overtime accumulation, or (2) shall be permitted to respond to such
37 calls prior to reporting for work without such prior authorization and
38 without loss of pay, vacation time, sick leave or earned overtime
39 accumulation, provided in either case, if requested by such employee's
40 supervisor, such employee submits a written statement from the chief
41 of the police or fire department verifying that such employee
42 responded to a search or rescue call and specifying the date, time and
43 duration of such response. As used in this subsection, "volunteer
44 canine search and rescue team" means an individual and a dog (A)
45 appropriately trained and certified to engage in search and rescue
46 operations by a nonprofit canine search and rescue organization that is

47 a member of the National Association of Search and Rescue, or its
48 successor organization, and (B) who jointly engage in such operations
49 at the request of a police or fire department and provide services
50 without compensation.

51 (e) Any state employee who is an active volunteer firefighter and is
52 injured on or after January 1, 2014, while serving in his or her capacity
53 as a volunteer firefighter, shall be permitted to collect sick leave with
54 pay for such injury pursuant to section 5-247, provided (1) such
55 employee is eligible to receive such sick leave pay pursuant to the
56 provisions of said section, (2) if requested by such employee's
57 appointing authority, such employee submits a written statement from
58 the chief of the volunteer fire department that such employee was
59 injured during a fire call and specifying the date, time and nature of
60 such injury, and (3) the amount of weekly sick leave pay received for
61 such injury plus any weekly workers' compensation wage replacement
62 benefits received pursuant to section 7-314a or 7-314b for such injury
63 shall not exceed the weekly workers' compensation wage replacement
64 benefits such employee would have received had such employee been
65 injured in the course of his or her employment as a state employee. A
66 state employee's collection of sick leave pursuant to this subsection
67 shall not affect the seniority or accrual of pension benefits of such state
68 employee. The provisions of this subsection shall not be construed to
69 preempt or override the terms of any collective bargaining agreement
70 effective prior to July 1, 2015.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	5-249

Statement of Legislative Commissioners:

In Subsec. (e)(3), "sick leave with pay" was changed to "sick leave pay" for clarity.

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.

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

The bill is not anticipated to result in a cost to the state or municipalities. The bill does not change the amount of the workers' compensation benefit, rate of state sick leave accrual, or provide any benefit to the employee in the event the employee does not have any accrued sick leave. Under current law, a volunteer firefighter is considered an employee of the municipality for which the firefighter works for purposes of workers' compensation.¹ The bill allows state employees who are volunteer firefighters to supplement their workers' compensation benefits with accrued sick leave.

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

¹ There are two exceptions: (1) the volunteer firefighter is fighting a fire in a state park, and (2) fighting a fire in connection with a homeland security call. Under these two exceptions the volunteer firefighter is treated as a state employee for workers' compensation.

OLR Bill Analysis

sHB 6873

AN ACT CONCERNING INJURED VOLUNTEER FIREFIGHTERS AND SICK LEAVE BENEFITS.

SUMMARY:

This bill generally allows state employees who are active volunteer firefighters to use their available paid sick time to supplement their workers' compensation benefits, for an injury they received while performing volunteer firefighter duties on or after January 1, 2014. The bill limits the weekly sum of the sick time benefits and any workers' compensation wage replacement benefits the employee receives for the injury to the weekly wage replacement benefits the employee would be eligible for if he or she had been injured in the course of his or her state employment.

Upon the employee's appointing authority's (i.e., agency head) request, the employee must provide a written statement from the volunteer fire department's chief stating that the employee was injured during a fire call and specifying the date, time, and nature of the injury.

Under the bill, the employee's collection of sick time cannot affect his or her seniority or pension benefit accrual. The bill also specifies that it does not preempt or override the terms of any collective bargaining agreement in effect before July 1, 2015. (State employee collective bargaining agreements commonly prohibit employees from taking paid sick time while simultaneously collecting workers' compensation benefits for injuries that occurred outside of their state employment.)

EFFECTIVE DATE: July 1, 2015

WORKERS' COMPENSATION FOR VOLUNTEER FIREFIGHTERS

By law, municipalities must provide workers' compensation coverage for their volunteer firefighters. Under this coverage, the wage replacement benefits for volunteer firefighters injured performing certain fire duties are based on the state's average production wage, and not the wages they receive through their regular employment. Thus, if these volunteers earn wages greater than the state's average production wage, their wage replacement benefits will be less than what they would otherwise be entitled to if they were injured in the course of their regular employment.

The bill allows state employees under these circumstances to use their sick leave pay to make up the difference between the wage replacement benefits they are receiving and what they would have received if their benefits had been based on their wages as a state employee.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 10 Nay 0 (03/12/2015)