
OLR Bill Analysis

sSB 313 (File 367, as amended by Senate "A")*

AN ACT CONCERNING ADOPTION OF THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY CANCER RELIEF BENEFITS FOR FIREFIGHTERS.

SUMMARY

This bill requires each town to make specific contributions to the state's firefighters cancer relief account, which is used to provide wage replacement benefits to eligible paid and volunteer firefighters diagnosed with cancer. Beginning July 1, 2023, each town must generally contribute, by December 15 of each year, (1) \$10 per career firefighter (i.e., presumably, paid firefighter) within the town and (2) \$5 per volunteer firefighter within the town's volunteer district or districts. However, the bill only requires towns to contribute funds for firefighters who meet certain work experience and other criteria.

The bill also requires the:

1. Labor Department's (DOL) Division of Occupational Safety and Health (CONN-OSHA) to adopt the 2018 Lavender Ribbon Report Best Practices for Preventing Firefighter Cancer (see BACKGROUND) (§ 1);
2. Workers' Compensation Commission to (a) maintain a record of all firefighters' workers' compensation claims made due to a cancer diagnosis and (b) report a summary of the records to the Labor Committee each year by January 1 (§ 3); and
3. comptroller to conduct a feasibility study on providing pension benefits to firefighters in circumstances when the required pension service years are not met due to early retirement resulting from a qualifying cancer diagnosis (§ 6).

*Senate Amendment "A" strikes the underlying bill's provisions (1)

creating a rebuttable presumption for workers' compensation benefits when a paid or volunteer firefighter is diagnosed with cancer that the disease is due to on-duty exposures as a firefighter and the related qualifications for the presumption (§ 2); (2) eliminating the option for a fire department to purchase a separate private insurance policy to cover firefighters' illnesses or injuries arising out of, and in the course of, employment, rather than purchasing workers' compensation coverage for work-related cancer (§ 2); (3) repealing language that bars a firefighter from receiving benefits from the firefighters cancer relief program or other wage replacement program while also receiving workers' compensation benefits for a work-related cancer diagnosis (§ 4); (4) replacing the term "employee" with "claimant" in the law that requires employers to continue employee insurance coverage while he or she is eligible for, or receiving, workers' compensation benefits (§ 5); (5) requiring a volunteer fire department or volunteer ambulance company to comply with CONN-OSHA as an employer unless it can show that it is under federal OSHA jurisdiction (§§ 7 & 8); (6) reducing the penalty that volunteer fire departments and ambulance companies can face for non-serious violations of certain CONN-OSHA laws and regulations (§ 9); and (7) appropriating \$1.2 million to the firefighters cancer relief account (§ 10). The amendment (1) adds the requirement that towns make annual contributions to the firefighters cancer relief account and the provision stating that an award from that account has no bearing on a workers' compensation claim and (2) requires CONN-OSHA to adopt the 2018 Lavender Ribbon Report Best Practices for Preventing Firefighter Cancer rather than the International Association of Fire Chiefs' Best Practices for Preventing Firefighter Cancer.

EFFECTIVE DATE: Upon passage, except July 1, 2023, for the provisions related to CONN-OSHA and the municipal contributions to the firefighters cancer relief account.

§ 1 — CONN-OSHA PRACTICES

In addition to requiring CONN-OSHA to adopt the Lavender Ribbon Report Best Practices for Preventing Firefighter Cancer, the bill also requires it to adopt a practice requiring that all firefighters be provided

with at least two sets of turnout gear. The bill states that this would ensure clean gear is worn while any contaminated gear is properly cleaned. However, the bill exempts towns with populations of less than 50,000 from this turnout gear requirement for their volunteer firefighters if each volunteer firehouse is equipped with advanced cleaning washer and extractor capabilities as specified in NFPA 1851. (National Fire Protection Association Standard 1851 addresses selection, care, and maintenance of firefighter protective ensembles.)

§ 4 — FIREFIGHTERS CANCER RELIEF PROGRAM

Under existing law, a cancer relief subcommittee of the Connecticut State Firefighters Association awards wage replacement benefits under the state’s firefighters cancer relief program. The bill provides that such an award does not create a presumption that the firefighter’s cancer was work-related for purposes of seeking a workers’ compensation claim for the cancer. It further provides that nothing in the program’s law may be construed to diminish or affect in any manner a firefighter’s rights and benefits or any rights and defenses that an employer may have under the state’s workers’ compensation law.

§ 6 — PENSION STUDY REGARDING EARLY RETIREMENT DUE TO CANCER

The bill requires the comptroller to study the feasibility of providing pension benefits in circumstances when a firefighter’s years of service do not meet the full pension requirement because of an early retirement due to a qualifying cancer diagnosis. The study must examine the feasibility of implementing a prorated benefit for early retirement situations.

The comptroller must report the findings and any recommendations to the Labor Committee. (The bill does not provide a deadline for the study.)

§ 501 — MUNICIPAL PAYMENTS INTO THE FIREFIGHTERS CANCER RELIEF ACCOUNT

Regarding the bill’s requirements concerning a town’s annual contributions to the state’s firefighters cancer relief account, the

contributions must be based on the current number of career and volunteer firefighters within the town at the time of contribution.

Towns must only contribute funds for firefighters who have served at least five years as (1) an interior structural firefighter at a paid municipal, state, or volunteer fire department or (2) a local fire marshal, deputy fire marshal, fire investigator, fire inspector, or other class of inspector or investigator whose position meets minimum qualifications under state law set by the state fire marshal and the Codes and Standards Committee. Further, the firefighters must also have (1) submitted to annual physical examinations, subsequent to entry, that failed to reveal evidence of cancer or a propensity for cancer and (2) not used cigarettes or any other tobacco products, as defined in state law, within 15 years.

BACKGROUND

Lavender Ribbon Report

The National Volunteer Fire Council and International Association of Fire Chiefs' Volunteer and Combination Officers Section jointly produced the Lavender Ribbon Report, which presents best practices for mitigating the risk of cancer for firefighters. It was most recently updated in 2021.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 0 (03/22/2022)