



Senate

General Assembly

File No. 367

February Session, 2022

Substitute Senate Bill No. 313

Senate, April 7, 2022

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) The Labor Department's
2 Division of Occupational Safety and Health shall adopt the International
3 Association of Fire Chiefs' Best Practices for Preventing Firefighter
4 Cancer.

5 (b) The Labor Department's Division of Occupational Safety and
6 Health shall additionally adopt a practice requiring not less than two
7 sets of turnout gear be provided to firefighters to ensure clean gear is
8 worn while any contaminated gear is properly cleaned.

9 Sec. 2. Section 31-294j of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective July 1, 2022*):

11 (a) For the purpose of adjudication of claims for payment of benefits

12 under the provisions of this chapter, a uniformed member of a paid
13 municipal or volunteer fire department, a regular member of a paid
14 municipal police department, a constable, as defined in section 31-294i,
15 or a member of a volunteer ambulance service shall be eligible for such
16 benefits for any disease arising out of and in the course of employment,
17 including, but not limited to, hepatitis, meningococcal meningitis,
18 tuberculosis, Kahler's Disease, non-Hodgkin's lymphoma, and prostate
19 or testicular cancer that results in death or temporary or permanent total
20 or partial disability.

21 (b) Notwithstanding any provision of the general statutes, a
22 firefighter's diagnosis of cancer shall be presumed to arise out of and in
23 the course of employment as the result of exposures particular to the
24 duties performed as a firefighter for any condition of cancer affecting
25 the brain, skin, skeletal system, digestive system, endocrine system,
26 respiratory system, lymphatic system, reproductive system, urinary
27 system or hematological system that results in death, or temporary or
28 permanent total or partial disability. This presumption shall only be
29 rebutted by clear and convincing evidence of any of the following: (1)
30 The firefighter had a physical examination upon entry into such service,
31 or subsequent to entry, as the case may be, that revealed evidence of the
32 claimed cancer; (2) the firefighter has failed to submit to annual physical
33 examinations subsequent to entry into such service or that subsequent
34 physical examinations have revealed evidence of such cancer or a
35 propensity for such cancer; (3) such firefighter has used cigarettes, as
36 defined in section 12-285, or any other tobacco products, as defined in
37 section 12-330a, within fifteen years of the diagnosis of the claimed
38 cancer; (4) such firefighter has worked less than at least five years on or
39 after February 1, 2017, as (A) an interior structural firefighter at a paid
40 municipal, state or volunteer fire department, or (B) a local fire marshal,
41 deputy fire marshal, fire investigator, fire inspector or such other class
42 of inspector or investigator for whom the State Fire Marshal and the
43 Codes and Standards Committee, acting jointly, have adopted
44 minimum standards of qualification pursuant to section 29-298, at the
45 time such cancer is discovered, or should have been discovered; (5) the
46 firefighter has not used respiratory protection and other personal

47 protective equipment as described in the federal Occupational Safety
48 and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29
49 CFR 1910.156 for a period of five consecutive years; or (6) the claimed
50 cancer is not one that is known to result from exposure to heat, radiation
51 or a known carcinogen as determined by the International Agency for
52 Research on Cancer or the National Toxicology Program of the United
53 States Department of Health and Human Services. For purposes of this
54 subsection, "interior structural firefighter" means an individual who
55 performs fire suppression, rescue or both, inside of buildings or
56 enclosed structures that are involved in a fire situation beyond the
57 incipient stage, as defined in 29 CFR 1910.155.

58 (c) Any individual, who is no longer actively serving as a firefighter
59 but who otherwise would fall within the provisions of subsection (a) of
60 this section, may apply for benefits under the provisions of this chapter
61 not later than five years after the date such individual last served as a
62 firefighter.

63 (d) A firefighter or other individual, who is eligible for benefits
64 pursuant to subsection (a) or (b) of this section, shall be required to
65 submit to annual physical examinations, including blood testing, during
66 the firefighter or other individual's active service and for a period of five
67 years after the date such firefighter or other individual last served as a
68 firefighter as a condition of receiving such benefits. An individual who
69 no longer serves as a firefighter shall bear the cost of any physical
70 examination required under this subsection.

71 (e) As an alternative to workers' compensation coverage for work
72 related cancer, a fire department may purchase a separate, private
73 insurance policy to cover firefighters' illnesses or injuries arising out of
74 and in the course of employment. Such policy shall provide benefits that
75 are comparable, or better, than workers' compensation benefits.

76 Sec. 3. (NEW) (Effective from passage) The Workers' Compensation
77 Commission shall maintain a record of all workers' compensation
78 claims made by firefighters due to a cancer diagnosis. Not later than
79 January first of each year, the Workers' Compensation Commission

80 shall submit a report summarizing such records to the joint standing
81 committee of the General Assembly having cognizance of matters
82 relating to labor.

83 Sec. 4. Section 7-313i of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective from passage*):

85 (a) There is established a firefighters cancer relief subcommittee of
86 the Connecticut State Firefighters Association that shall consist of one
87 member from the Connecticut State Firefighters Association, one
88 member from the Connecticut Fire Chiefs Association, one member
89 from the Uniformed Professional Firefighters of the International
90 Association of Firefighters, one member from the Connecticut Fire
91 Marshals Association, and one member from the Connecticut
92 Conference of Municipalities. Such subcommittee shall review claims
93 for wage replacement benefits submitted to the firefighters cancer relief
94 program established pursuant to section 7-313j and provide wage
95 replacement benefits, in accordance with the provisions of subsection
96 (b) of section 3-123, to any firefighter who the subcommittee determines
97 is eligible for such wage replacement benefits pursuant to the provisions
98 of section 7-313j. The subcommittee may determine the weekly wage
99 replacement benefits provided to a firefighter in accordance with the
100 provisions of this chapter and chapter 568.

101 (b) A firefighter who is approved for wage replacement benefits by
102 the subcommittee pursuant to subsection (a) of this section shall be
103 eligible for such benefits on and after July 1, 2019, and for a period
104 determined by the subcommittee, provided such period shall not exceed
105 twenty-four months. The maximum weekly wage replacement benefit
106 under this section shall be determined by the subcommittee, provided
107 such maximum weekly wage replacement benefit shall not exceed one
108 hundred per cent, raised to the next even dollar, of the average weekly
109 earnings of all workers in the state for the year in which the condition
110 of cancer was diagnosed. The average weekly earnings of all workers in
111 the state shall be determined by the Labor Commissioner on or before
112 the fifteenth day of August of each year, to be effective the following

113 October first, and shall be the average of all workers' weekly earnings
114 for the year ending the previous June thirtieth and shall be so
115 determined in accordance with the standards for the determination of
116 average weekly earnings of all workers established by the United States
117 Department of Labor, Bureau of Labor Statistics.

118 (c) A firefighter may receive wage replacement benefits under this
119 section concurrently with any employer-provided employment
120 benefits, provided the total compensation of such firefighter during
121 such period of receiving benefits under this section shall not exceed such
122 firefighter's pay rate at the time such firefighter was diagnosed with a
123 condition of cancer described in section 7-313j.

124 [(d) No firefighter shall receive compensation under this section
125 concurrently with the provisions of chapter 567 or 568 or any other
126 municipal, state or federal program that provides wage replacement
127 benefits.]

128 [(e)] (d) No approval of wage replacement benefits for a firefighter by
129 the subcommittee pursuant to subsection (a) of this section shall be used
130 as evidence, proof or an [acknowledgement] acknowledgment of
131 liability or causation in any proceeding under chapter 568.

132 [(f)] (e) Notwithstanding any other provision of the general statutes,
133 any employer who provides accident and health insurance or life
134 insurance coverage for a firefighter or makes payments or contributions
135 at the regular hourly or weekly rate for the firefighter to an employee
136 welfare plan, shall provide to the firefighter equivalent insurance
137 coverage or welfare plan payments or contributions while the firefighter
138 is eligible to receive or is receiving wage replacement compensation
139 under this section. As used in this section, "employee welfare plan"
140 means any plan established or maintained for such firefighter or such
141 firefighter's family or dependents, or for both, for medical, surgical or
142 hospital care benefits.

143 [(g)] (f) The State Treasurer shall remit wage replacement benefits
144 that are approved by the subcommittee from the firefighters cancer

145 relief account established pursuant to section 7-313h not later than thirty
146 days after such benefits have been approved.

147 Sec. 5. Section 31-284b of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective from passage*):

149 (a) In order to maintain, as nearly as possible, the income of
150 [employees] claimants who suffer employment-related injuries, any
151 employer who provides accident and health insurance or life insurance
152 coverage for any [employee] claimant or makes payments or
153 contributions at the regular hourly or weekly rate for full-time
154 employees to an employee welfare plan, shall provide to the [employee]
155 claimant equivalent insurance coverage or welfare plan payments or
156 contributions while the [employee] claimant is eligible to receive or is
157 receiving compensation pursuant to this chapter, or while the
158 [employee] claimant is receiving wages under a provision for sick leave
159 payments for time lost due to an employment-related injury. As used in
160 this section, "income" means all forms of remuneration to an individual
161 from his employment, including wages, accident and health insurance
162 coverage, life insurance coverage and employee welfare plan
163 contributions and "employee welfare plan" means any plan established
164 or maintained for employees or their families or dependents, or for both,
165 for medical, surgical or hospital care benefits.

166 (b) An employer may provide such equivalent accident and health or
167 life insurance coverage or welfare plan payments or contributions by:
168 (1) Insuring [his] the employer's full liability under this section in any
169 stock or mutual companies or associations that are or may be authorized
170 to take such risks in this state; (2) creating an injured employee's plan as
171 an extension of any existing plan for working employees; (3) self-
172 insurance; or (4) by any combination of the methods provided in
173 subdivisions (1) to (3), inclusive, of this subsection that he may choose.

174 (c) In the case of an employee welfare plan, an employer may provide
175 equivalent protection by making payments or contributions for such
176 hours of contributions established by the trustees of the employee
177 welfare plan as necessary to maintain continuation of such insurance

178 coverage when the amount is less than the amount of regular hourly or
179 weekly contributions for full-time employees.

180 (d) In any case where compensation payments to an individual for
181 total incapacity under the provisions of section 31-307 continue for more
182 than one hundred four weeks, the cost of accident and health insurance
183 or life insurance coverage after the one-hundred-fourth week shall be
184 paid out of the Second Injury Fund in accordance with the provisions of
185 section 31-349.

186 (e) Accident and health insurance coverage may include, but shall not
187 be limited to, coverage provided by insurance or directly by the
188 employer for the following health care services: Medical, surgical,
189 dental, nursing and hospital care and treatment, drugs, diagnosis or
190 treatment of mental conditions or alcoholism, and pregnancy and child
191 care.

192 Sec. 6. (*Effective from passage*) The Comptroller shall conduct a study
193 to assess the feasibility of providing pension benefits in circumstances
194 when a firefighter's pension maturity or number of years of service
195 required for the firefighter to receive pension benefits is not met because
196 of an early retirement due to a qualifying work-related cancer or death.
197 Such study shall include an examination of the feasibility of
198 implementing a prorated benefit for such instances. The Comptroller
199 shall report the results of such study and any recommended legislation
200 to the joint standing committee of the General Assembly having
201 cognizance of matters relating to labor.

202 Sec. 7. Subsection (d) of section 31-367 of the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective from*
204 *passage*):

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

208 Sec. 8. Section 31-369 of the general statutes is repealed and the

209 following is substituted in lieu thereof (*Effective from passage*):

210 (a) This chapter applies to all employers, employees and places of
211 employment in the state except the following: (1) Employees of the
212 United States government; [and] (2) working conditions of employees
213 over which federal agencies other than the United States Department of
214 Labor exercise statutory authority to prescribe or enforce standards or
215 regulations affecting occupational safety and health; and (3) any
216 volunteer fire department or volunteer ambulance company that is able
217 to demonstrate such department or company is regulated by the
218 Occupational Safety and Health Act of 1970, 29 USC 651 et seq., as
219 amended from time to time.

220 (b) Nothing in this chapter shall be construed to supersede or in any
221 manner affect any workers' compensation law or to enlarge, diminish or
222 affect in any manner common law or statutory rights, duties or liabilities
223 of employers or employees, under any law with respect to injuries,
224 diseases or death of employees arising out of and in the course of
225 employment.

226 Sec. 9. Subsection (c) of section 31-382 of the general statutes is
227 repealed and the following is substituted in lieu thereof (*Effective from*
228 *passage*):

229 (c) Any employer who has received a citation for a violation of the
230 requirements of sections 31-369, as amended by this act, and 31-370, of
231 any standard or order promulgated pursuant to section 31-372, or of
232 regulations adopted pursuant to this chapter, which violation is
233 specifically determined not to be of a serious nature, may be assessed a
234 civil penalty of up to one thousand dollars for each such violation,
235 except any volunteer fire department and any volunteer ambulance
236 company shall, for the first such violation, only be issued a written
237 warning.

238 Sec. 10. (*Effective from passage*) The sum of one million two hundred
239 thousand dollars is appropriated to the Firefighter's Cancer Relief
240 Account, established pursuant to section 7-313h of the general statutes,

241 from the General Fund, for the fiscal year ending June 30, 2023, for
 242 retroactive pay for the years the annual appropriation of four hundred
 243 thousand dollars was deferred.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	New section
Sec. 2	<i>July 1, 2022</i>	31-294j
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	7-313i
Sec. 5	<i>from passage</i>	31-284b
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	31-367(d)
Sec. 8	<i>from passage</i>	31-369
Sec. 9	<i>from passage</i>	31-382(c)
Sec. 10	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 5(b)(1), "the employee's full liability" was changed to "the employer's full liability" for accuracy and, in Section 6, "(NEW)" was removed for consistency with standard drafting conventions.

LAB *Joint Favorable Subst. -LCO*

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:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Firefighters Cancer Relief Account	GF - Appropriation	1.2 million	None
Various State Agencies	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	STATE MANDATE ¹ - Potential Cost	See Below	See Below

Explanation

The bill, which makes a number of changes related to firefighters and workers' compensation, results in the following fiscal impacts:

Section 1 requires fire departments to ensure that each firefighter is equipped with at least two sets of turnout gear. Municipalities with paid fire departments will incur costs associated with providing this equipment if they do not already do so. Costs will vary based on the number of professional firefighters in each department; the gear

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

typically costs about \$3,000 per set.

Section 2 (1) establishes a rebuttable presumption that a paid or volunteer firefighter diagnosed with cancer got the disease in the course of employment due to exposures specific to duties performed as a firefighter and (2) makes the illness covered under workers' compensation law. This results in a potential cost to various state agencies and municipalities to the extent that additional employee claims are filed and these employees meet the other conditions of the bill.

Section 3 requires the Workers' Compensation Commission (WCC) 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, which results in no fiscal impact because the agency already has the staffing and expertise to do so.

Sections 4 & 10 make firefighters eligible for benefits from the existing firefighters cancer relief program (or any other wage replacement program) while also receiving workers' compensation benefits for a work-related cancer diagnosis, and appropriate \$1.2 million to the firefighter cancer relief account in FY 23 for this purpose.

Section 5 makes surviving spouses or other dependents eligible to continue to receive accident, health, or life insurance while they are eligible for, or receiving, workers' compensation benefits. This results in a potential cost of an indeterminate amount to various state agencies and municipalities to the extent that the employer offers such insurance, the claimant is eligible for or granted workers' compensation benefits, and the claimant has a surviving spouse and/or dependents.

Section 6 requires the 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, which results in no fiscal impact because the agency already has the staffing and expertise to do so.

Sections 7 through 9 clarify 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 such entities within its jurisdiction.²

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

² From FY 18 through FY 22 year-to-date, these entities have paid between \$800 and \$10,000 annually in OSHA penalties.

OLR Bill Analysis**sSB 313*****AN ACT CONCERNING ADOPTION OF THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY CANCER RELIEF BENEFITS FOR FIREFIGHTERS.*****SUMMARY**

This bill (1) establishes a rebuttable presumption that a paid or volunteer firefighter diagnosed with cancer got the disease in the course of employment due to exposures specific to duties performed as a firefighter and (2) makes the illness covered under workers' compensation law. To qualify for workers' compensation, the cancer must result in death or temporary or permanent total or partial disability and be a condition of cancer affecting the brain or skin, or any of the following systems: skeletal, digestive, endocrine, respiratory, lymphatic, reproductive, hematological, or urinary.

The bill sets six conditions that a firefighter must meet to qualify for the presumption including, for example, time served as a firefighter, annual checkups, and whether the firefighter regularly used proper protective equipment. It specifically states that the presumption can only be rebutted by clear and convincing evidence that the firefighter did not meet one of the qualifying conditions.

The bill also:

1. requires the Labor Department's (DOL) Division of Occupational Safety and Health (CONN-OSHA) to adopt the International Association of Fire Chiefs' Best Practices for Preventing Firefighter Cancer (§ 1);
2. requires the Workers' Compensation Commission (WCC) 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);
3. repeals language that bars a firefighter from receiving benefits from the existing firefighters cancer relief program or any other wage replacement program while also receiving workers' compensation benefits for work-related cancer (§ 4);
 4. appropriates \$1.2 million to the firefighters cancer relief account established in law to provide funds for the firefighters cancer relief program (§ 10);
 5. replaces 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, and in doing so expands the law to also apply to the employee's surviving spouse or other dependents (§ 5);
 6. requires the 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); and
 7. requires a volunteer fire department or volunteer ambulance company to comply with the state's Occupational Safety and Health Act (CONN-OSHA) as an employer, unless it can show that it is under federal OSHA jurisdiction (§§ 7-9).

EFFECTIVE DATE: Upon passage, except July 1, 2022, for the provisions (1) creating the rebuttable presumption and (2) requiring CONN-OSHA to adopt the international best practices.

§ 2 — WORKERS' COMPENSATION REBUTTABLE PRESUMPTION

Presumption Qualification Requirements (§ 2(b))

If a firefighter meets the bill's required qualifications, there is a presumption that his or her cancer diagnosis is work related.

Service. To qualify, the firefighter must have worked at least five

years on or after February 1, 2017, 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 another 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 at the time the cancer is discovered or should have been discovered.

Under the bill, an “interior structural firefighter” is a person who performs fire suppression, rescue, or both, inside buildings or enclosed structures that are involved in a fire beyond the incipient state as defined in federal regulations (i.e., a fire at the beginning stages that can be extinguished by portable fire extinguishers or small hose systems without the need for protective clothing or breathing safety apparatus (29 C.F.R. 1910.155)).

Grounds for Rebutting the Presumption. The bill’s presumption can only be rebutted by clear and convincing evidence of any of the following:

1. the firefighter worked less than five years of service on or after February 1, 2017, as service is defined above;
2. the firefighter had a physical examination upon entry into service, or subsequent to entry, that revealed evidence of the claimed cancer or a propensity for such cancer;
3. the firefighter failed to have annual physical examinations subsequent to entry into service;
4. the firefighter used cigarettes or any other tobacco products, as defined in state law, within 15 years of the diagnosis of the claimed cancer;
5. the firefighter has not used respiratory protection and other personal protective equipment as described in the federal OSHA

standards for five consecutive years; or

6. the claimed cancer is not one that is known to result from exposure to heat, radiation, or a known carcinogen as determined by the International Agency for Research on Cancer or the National Toxicology Program of the United States Department of Health and Human Services.

Five-Year Window After Service as a Firefighter (§ 2(c))

The bill allows a firefighter who is no longer actively serving, but who would otherwise fall within the provisions of the bill's presumption, to apply for workers compensation benefits no later than five years after the date the person last served as a firefighter.

Ongoing Testing (§ 2(d))

A firefighter, or other individual, who is eligible for benefits under the bill must, as a condition of receiving the benefits, submit to annual physical examinations, including blood testing, during the firefighter's or other individual's active service and for five years after the date the person last served.

Under the bill, workers' compensation will not cover the cost of any physical examination required under this provision.

Separate Insurance Policy to Address Cancer Illnesses (§ 2(e))

The bill also permits 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 as an alternative to workers' compensation coverage for work related to cancer. The policy must provide benefits that are comparable to, or better than, workers' compensation. (The bill does not specify how an employer would determine whether the policy's benefits are comparable to or better than workers' compensation.)

§ 1 – CONN-OSHA PRACTICES

In addition to requiring CONN-OSHA to adopt the International Association of Fire Chiefs' Best Practices for Preventing Firefighter

Cancer, the bill also requires the same agency to adopt a practice requiring at least two sets of turnout gear to be provided to firefighters. The bill states that this would ensure clean gear is worn while any contaminated gear is properly cleaned.

§§ 4 & 10 – FIREFIGHTERS CANCER RELIEF PROGRAM

Under current law, the firefighters cancer relief program is authorized to provide wage replacement benefits to eligible paid and volunteer firefighters diagnosed with cancer. The law established a cancer relief subcommittee of the Connecticut State Firefighters Association to award the program benefits.

The bill repeals language that bars a firefighter from receiving benefits from the existing firefighters cancer relief program or any other wage replacement program while also receiving workers' compensation benefits for a work-related cancer diagnosis.

The bill also appropriates, from the General Fund, \$1.2 million for FY 23 to the existing firefighters cancer relief account set up to provide funds for the firefighters cancer relief program. The funds must be used for retroactive pay for the years the \$400,000 annual appropriation was deferred.

§ 5 – HEALTH INSURANCE AND WORKERS' COMPENSATION CLAIMANTS

Current worker's compensation law requires an employer that provides accident, health, or life insurance to its employees to continue to provide the insurance while the employee is eligible for, or receiving, workers' compensation benefits.

The bill replaces the term "employee" with "claimant" and in doing so expands the law to also apply to the surviving spouse or other dependents of the employee.

Under a separate workers' compensation law, a surviving spouse or other dependent is eligible for burial benefits and weekly compensation calculated as a percentage of the deceased employee's wages (CGS § 31-

306).

§ 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.).

§§ 7-9 – VOLUNTEER FIRE COMPANIES AND CONN-OSHA

The bill requires 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. By law, Conn-OSHA governs workplace safety for the state and its political subdivisions as employers; so, certain non-governmental volunteer fire and ambulance companies are not considered to be under its jurisdiction (see BACKGROUND). They are, generally, not covered by federal OSHA unless they are privately chartered and have paid employees.

The bill also limits the penalty that may be imposed on volunteer fire departments and ambulance companies for non-serious violations of certain Conn-OSHA laws and regulations. Current law allows the Occupational Safety and Health Review Commission to impose up to a \$1,000 civil penalty on an employer cited for a non-serious violation. The bill instead requires it to issue a written warning for the first non-serious violation by a volunteer fire department or volunteer ambulance company.

By law, a serious violation is one that (1) could result in a substantial probability of death or serious physical harm and (2) the employer should know about by exercising reasonable diligence (CGS § 31-382(b))

& (1)).

BACKGROUND

Related Case

In *Mayfield v. Goshen Volunteer Fire Company* (301 Conn. 739 (2011)), the Connecticut Supreme Court ruled that a privately chartered volunteer fire company is not a political subdivision of the state (and not subject to Conn-OSHA jurisdiction) if it is not controlled by a municipality or municipal officials.

Related Bill

HB 5247 (File 76), favorably reported by the Labor Committee on March 10, 2022, includes identical provisions to sections 7-9 of the bill.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 0 (03/22/2022)