
OLR Bill Analysis

HB 5247

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) 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; thus, certain non-governmental volunteer fire and ambulance companies are not considered 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. The commission must assess up to a \$1,000 civil penalty for a serious violation (CGS § 31-382(b) & (l)).

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Case

In *Mayfield v. Goshen Volunteer Fire Company* (301 Conn. 739 (2011)), the state 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.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 4 (03/10/2022)