



# House of Representatives

General Assembly

**File No. 76**

February Session, 2022

House Bill No. 5247

*House of Representatives, March 22, 2022*

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the 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2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

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

7 Sec. 2. Section 31-369 of the general statutes is repealed and the  
8 following is substituted in lieu thereof (*Effective from passage*):

9 (a) This chapter applies to all employers, employees and places of  
10 employment in the state except the following: (1) Employees of the  
11 United States government; [and] (2) working conditions of employees  
12 over which federal agencies other than the United States Department of

13 Labor exercise statutory authority to prescribe or enforce standards or  
 14 regulations affecting occupational safety and health; and (3) any  
 15 volunteer fire department or volunteer ambulance company that is able  
 16 to demonstrate such department or company is regulated by the  
 17 Occupational Safety and Health Act of 1970, 29 USC 651 et seq., as  
 18 amended from time to time.

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 or  
 21 affect in any manner common law or statutory rights, duties or liabilities  
 22 of employers or employees, under any law with respect to injuries,  
 23 diseases or death of employees arising out of and in the course of  
 24 employment.

25 Sec. 3. Subsection (c) of section 31-382 of the general statutes is  
 26 repealed and the following is substituted in lieu thereof (*Effective from*  
 27 *passage*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-367(d)
Sec. 2	<i>from passage</i>	31-369
Sec. 3	<i>from passage</i>	31-382(c)

**LAB** Joint Favorable

*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 such entities within its jurisdiction.

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

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

**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)