

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 196
Finance

(Senator Jennings, *et al.*)

Workers' Compensation - Volunteer Canteen and Rehabilitation Personnel

This bill expands the definition of “volunteer company” for the purposes of Workers’ Compensation Law to include a volunteer canteen, rehabilitation, or personnel support unit. Likewise, the bill expands the definition of “on duty” to include performing support or rehabilitation services for emergency responders during emergency incidents or training. This includes supplying necessary food, fluids, or relief from climatic conditions.

Fiscal Summary

State Effect: Any increase in hearings before the Workers’ Compensation Commission is expected to be minimal and can be handled with existing resources. Revenues are not affected.

Chesapeake Employers’ Insurance Company Effect: Chesapeake Employers’ Insurance Company (Chesapeake) expenditures increase due to the expansion of workers’ compensation benefit eligibility in counties with Chesapeake policies. Revenues increase due to increased premiums.

Local Effect: Local government expenditures increase in local jurisdictions where volunteer canteen, rehabilitation, or personnel support units are stationed and not already covered under Workers’ Compensation Law due to the expansion of workers’ compensation benefit eligibility. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Except in specified jurisdictions and circumstances, a member of a volunteer company in each jurisdiction in the State is a covered employee who is eligible for workers' compensation in the event of accidental injury while he or she is on duty.

In Workers' Compensation Law, volunteer companies are defined as volunteer advanced life support units; volunteer ambulance companies or squads; volunteer fire companies and departments; volunteer rescue companies, departments, or squads; and volunteer fire police units. Covered duties for these companies include firefighting; performing a duty as a member of an advanced life support unit or ambulance, first aid, or rescue squad; performing a duty assigned to a member acting as a deputy sheriff or a member of the fire police; going to or from an area to perform another duty; and performing other assigned duties by the company and company bylaws or rules. A covered duty does not include attending social functions with the volunteer company unless attendance or participation is mandatory.

Background: During extended emergency operations, the physical and mental demands put on emergency responders, such as firefighters, paramedics, and local law enforcement, can lead to injury and fatigue. Canteen, emergency rehabilitation, and personnel support units supply emergency responders with on-site support during extended or lengthy emergency operations. Services include giving out food and fluids; assisting with climate control by setting up tents, misting fans, or cooling chairs; and providing additional medical supplies and treatment for emergency responders and patients. These units are often managed and funded by local governments and local emergency response agencies; however, they are generally operated entirely by volunteer staff.

The makeup and administration of volunteer canteen, emergency rehabilitation, and personnel support units vary from state to state and, within Maryland, jurisdiction to jurisdiction. Some jurisdictions do not have any volunteer canteen, emergency rehabilitation, or personnel support units, while in others, such as Howard County, these volunteers are already considered part of a volunteer fire company and, therefore considered covered employees under Workers' Compensation Law. The number of volunteers per unit in the State can range from as few as 6 to as many as 40 and some units provide services not only to their home jurisdiction but also to neighboring jurisdictions. For example, the Anne Arundel Alarmers, a canteen unit based in Anne Arundel County, assisted during the recent shooting that took place at Columbia Mall in Howard County.

Chesapeake Effect: Chesapeake is the workers' compensation insurer for nine counties in the State. To the extent that volunteer canteen, rehabilitation, or support units are stationed in any of these counties and these units are not already covered under Workers' Compensation Law, Chesapeake expenditures may increase due to the expansion of workers' compensation benefit eligibility to these types of units. Chesapeake revenues increase through increased premiums to cover these additional workers.

Local Expenditures: Local government expenditures increase in local jurisdictions where volunteer canteen, rehabilitation, or personnel support units are stationed and not already covered under Workers' Compensation Law due to the expansion of workers' compensation benefit eligibility to these types of units.

Because the expenditure increase depends on whether a jurisdiction already covers these units, as well as the total number of injuries sustained by these volunteers while they are on duty, the amount and magnitude of any expenditure increase cannot be reliably estimated at this time. However, because volunteer canteen, rehabilitation, or personnel support units perform their duties in extended emergency situations alongside other emergency personnel such as firefighters and police officers, it is assumed that at least a few additional compensable injuries will occur across the State in most years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Injured Workers' Insurance Fund/Chesapeake Employers' Insurance Company; Military Department; Workers' Compensation Commission; Anne Arundel, Dorchester, Garrett, Howard, and Montgomery counties; National Council on Compensation Insurance; Department of Legislative Services

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Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510