



Senate Bill 196

Workers' Compensation – Volunteer Canteen and Rehabilitation Personnel

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 11, 2014

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** Senate Bill 196. The bill would extend certain workers' compensation benefits currently reserved for firefighters and emergency responders to volunteer canteen, rehabilitation, and support personnel.

SB 196 makes a volunteer canteen, rehabilitation, or personnel support unit part of a volunteer company. Additionally, the bill classifies the performance of support or rehabilitation services, such as supplying food, fluids, or climate/temperature relief for emergency responders during an emergency incident or training exercise as an "on duty" activity with respect to workers' compensation benefits.

Canteen personnel perform an important function but they are essentially *support* personnel and not emergency responders. Public safety and emergency responders receive extra benefits under workers' compensation law, such as certain occupational disease presumptions, and MACo does not believe such benefits should be extended to support personnel unless there is agreement between a county and its volunteer companies.

Canteen personnel would receive two new enhancements under SB 196: (1) enhanced benefits for minor injuries; and (2) coverage under the firefighter heart, lung, and cancer presumptions.

The first benefit gives canteen personnel second tier benefits under § 9-628 of the Labor and Employment Article for minor injuries like other public safety personnel. At present, since canteen personnel are volunteers, they receive coverage for any non-economic damages that they suffer in the course of their volunteer work, including medical bills. These volunteers do not receive a permanent partial disability or lost wage types of benefits.

Under SB 196, canteen personnel will receive the same economic and non-economic benefits as emergency responders. By placing canteen personnel into a public safety status instead of a regular employee status, such a volunteer would receive more money for a minor injury than a similarly situated county employee who is not a public safety employee. For example, a county employee who suffers an 8% ankle disability as a result of a fall at work would receive a monetary award of \$3,320. Under SB 196, a similarly injured canteen volunteer would receive \$6,600. MACo questions why volunteer support personnel who do not undergo the same training or become exposed to the same risks as a volunteer firefighter or paramedic should receive the same benefits as the firefighter or paramedic.

SB 196 would also provide canteen personnel with the benefit of the firefighter and paramedic occupational disease presumptions under § 9-503 of the Labor and Employment Article: heart disease, hypertension, lung disease, leukemia, prostate cancer, rectal cancer, throat cancer, multiple myeloma, non-Hodgkin's lymphoma, brain cancer, testicular cancer, and breast cancer. Adding canteen personnel to the presumption is problematic because they are not exposed to the same hazards and stresses as firefighters and paramedics, which forms the underlying basis of the presumption. These presumptions follow the employee into retirement, are virtually impossible to rebut, can be very expensive, and can result in enhanced death benefits.

In some counties, canteen personnel are treated as part of the company but this should be a decision left up to the individual county and its companies. Canteen and similar support personnel perform an important function but they do not undergo the same training or face the same risks as emergency responders and therefore should not automatically receive commensurate extraordinary benefits. Accordingly, MACo recommends the Committee issue an **UNFAVORABLE** report on SB 196.