



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE LABOR AND INDUSTRY COMMITTEE**

ON

HOUSE BILL 1909 (*PN 2687*)

BY

**ELAM M. HERR
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HARRISBURG, PA**

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Chairman Kauffman and members of the House Labor and Industry Committee:

Good morning. My name is Elam M. Herr and I am the assistant executive director for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of the 1,454 townships in Pennsylvania represented by the Association.

Townships comprise 95 percent of the Commonwealth's land area and are home to over 5.5 million Pennsylvanians — 44 percent of the state's population. These townships are diverse, ranging from rural communities with fewer than 200 residents to more suburban communities with populations approaching 65,000 residents.

Volunteer fire departments and volunteer firefighters are the primary providers of fire protection in townships. We strongly support our volunteers for providing a valuable service, one that the government would need to provide if there weren't volunteers willing to prepare for, and respond to, incidents requiring rescue, fire suppression, and hazardous materials cleanup. The cost to replace our volunteer firefighters with paid fire service statewide has been estimated to range from \$8 billion to \$10 billion annually, a severe financial burden for the citizens of Pennsylvania.

Host municipalities are responsible for providing workers' compensation insurance to our volunteer emergency responders and this cost is shared with non-host municipalities served by these responders. Due to market changes caused by Act 46 of 2011, there are now only a few private companies that provide workers' compensation to firefighters and many of our volunteers are covered by our state's insurer of last resort, the State Workers Insurance Fund (SWIF).

The Workers' Compensation statute has long covered volunteer firefighters engaged or traveling to or from an emergency or attending training, ambulance volunteers engaged in emergency response or traveling to or from an emergency or attending training, and members of volunteer rescue and lifesaving squads traveling to emergencies, while engaged in providing rescue or lifesaving service, or attending training.

In addition, recognizing that many skills and capabilities are needed to support volunteer fire companies, ambulance, and rescue and lifesaving services, including accounting, fund-raising, and maintenance, the act includes language authorizing coverage for members of volunteer fire departments or companies "while performing any other duties of such fire company or fire department as authorized by the municipality." Nearly identical language is present in the statute for volunteers of ambulance and rescue and lifesaving services.

The problem that we are discussing today is that the State Workers Insurance Fund is not covering members of volunteer fire companies unless they are engaged in emergency response activities, and SWIF does not appear to be recognizing the existing language in the statute which allows municipalities to authorize members of volunteer fire companies to perform other support duties, including auxiliary members and special fire police. This is causing problems for our non-firefighter volunteers and for our volunteer fire companies and emergency response providers.

House Bill 1909 (PN 2687) attempts to address this issue by adding “officers, directors, firefighters and any other” members of volunteer fire departments to the statute, as well as similar language for ambulance and rescue and lifesaving services.

We applaud the sponsors for their work on this critical issue and we support their efforts to resolve the issue. However, we are concerned that the current wording in the bill may not address the problem and could have unintended consequences. We are happy to work with the sponsor, this committee, and any interested parties to fine-tune the language to pinpoint the solution.

Our concern with the current language is two-fold. First, we want to preserve the statutory qualifying language “any other duties...as authorized by the municipality...” and are concerned that the addition of the terms “officers, directors” at the beginning of the section. Without definition, these terms could be interpreted as covering these individuals without reference to firefighting-related or emergency response activities or the qualifying language “as authorized by the municipality.” We would prefer to see these terms defined and clearly connect to the qualifier “as authorized by the municipality.”

The other concern is that the proposed language may not address the issue since these individuals should be covered under the existing statute (*as has been interpreted in the past*) under the statutory language “members of volunteer fire departments or volunteer fire companies... or while performing any other duties...as authorized by the municipality.” Again, the issue appears to be that SWIF is ignoring or taking a different interpretation of what we believe to be clear language in the existing statute. As a result, we suggest that this language be strengthened. Again, we would be happy to work with the sponsor, this committee, and the interested parties to address the issue.

In closing, we thank the committee for taking the time to examine this important issue so that we can support our volunteer emergency responders, as well as the volunteers that provide critical support functions to our emergency service providers.

Thank you for the opportunity to appear before you today. I would be happy to answer any questions that you may have.