

Legislative Analysis



WORKER'S COMPENSATION FOR VOLUNTEER AND PART-TIME PUBLIC SAFETY OFFICIALS FOR CERTAIN DISEASES

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<http://www.house.mi.gov/hfa>

House Bill 4729 as reported from committee

Sponsor: Rep. Will Snyder

Committee: Labor

Complete to 12-7-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4729 would amend Chapter 4 (Occupational Diseases and Disablements) of the Worker's Disability Compensation Act to allow certain part-time, on-call, and volunteer members of fire, police, and public safety departments to be eligible for worker's compensation for respiratory and heart diseases.

Chapter 4 of the act provides that a respiratory or heart disease, or an illness resulting from those diseases, can be designated as a compensable personal injury for the following individuals if the disease or illness develops while the individual is in active service as a result of the performance of their duties, as it is presumed that the disease or illness can be attributed to the employment:¹

- Members of a fully paid fire department of an airport operated by a county, public airport authority, or state university or college.
- Full-time paid employees of a city, village, or township fire or police department.
- Full-time paid employees of a public fire authority.
- County sheriffs and their deputies.
- Members of the state police.
- Conservation officers.
- Officers of the Michigan State Police Motor Carrier Enforcement Division.

Under House Bill 4729, the following individuals would also be eligible for personal injury coverage for respiratory and heart diseases:

- Part-time, on-call, or volunteer members of a fire department of an airport operated by a county, public airport authority, or state university or college.
- Part-time or on-call members of a police department of a city, township, or village.
- Part-time, on-call, or volunteer members of a fire or public safety department of a city, township, or village.
- Part-time, on-call, or volunteer members of a public fire authority.
- Forest fire officers.

MCL 418.405

¹ The personal injury designation applies if it is determined that the individual has applied for but will not receive pension benefits.

BRIEF DISCUSSION:

According to committee testimony, paid on-call firefighters are the most common classification position used by local governments, and 72% of firefighters currently do not qualify for coverage under Chapter 4 of the Worker's Disability Compensation Act because they are not full-time employees. Reportedly, this has caused inequity issues when one fire department has both full-time and paid on-call firefighters who are exposed to the same risk, but only the employees classified as full-time firefighters are eligible for respiratory and cardiac injury coverage. Supporters of House Bill 4729 argue that a change to the current law is necessary because all firefighters should have equal treatment for work-related respiratory and heart diseases or illnesses, regardless of how their job is classified.

Opponents of the bill, however, raise concerns about the potential for increased costs to local units of government and warn that municipalities would not be able to appropriately plan for these costs. They suggest that a better source of funding would be the Christopher R. Slezak First Responder Presumed Coverage Fund, which was created to provide worker's compensation benefits for certain first responders and has a funding surplus from internet gaming and sports betting revenues.

FISCAL IMPACT:

The bill would expand the population of fire and public safety officers that are eligible to file worker's compensation claims for respiratory and heart diseases or related illnesses that result from active service to also include part-time, paid on-call, and volunteer officers. The bill would likely increase costs to certain local units of government by an indeterminate amount for the costs of any additional worker's compensation claims that might be filed. The amount of increased costs would depend upon a variety of factors, such as the number of part-time, paid on-call, and volunteer officers in a department, as well as the amount of increased funding for each of the new claims that received payments.

Currently, there are 1,029 fire departments in Michigan that employ 8,670 full-time firefighters. The bill's provisions would extend eligibility to all the approximate 31,046 current full-time, part-time, paid on-call, and volunteer firefighters. That is an approximate increase of 22,376 firefighters that would become eligible. Eligibility would also be extended to the 16,514 full-time, part-time, paid on-call, and volunteer law enforcement officers employed by local governments as well, instead of only the full-time officers that are eligible under current law.

The bill would have no significant fiscal impact on the state of Michigan.

POSITIONS:

A representative of the Michigan Association of Fire Chiefs testified in support of the bill. (10-26-23)

The following entities indicated support for the bill:

- Delhi Township Fire Department (10-26-23)
- Michigan Nurses Association (10-26-23)
- Northern Michigan Fire Chiefs (12-5-24)

- United Food and Commercial Workers Local 876 (12-5-24)

A representative of the Michigan Municipal League testified in opposition to the bill.
(10-26-23)

The following entities indicated opposition to the bill:

- Accident Fund (12-5-24)
- Blue Cross Blue Shield of Michigan (12-5-24)
- Insurance Alliance of Michigan (12-5-24)
- Michigan Association of Counties (10-26-23)
- Michigan Townships Association (12-5-24)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.