

Comments on LCvlfr:

Section 1 - Workers' compensation for volunteer firefighters -- definitions

From Montana State Fund:

New Section 1 (5) (b): with use of the term “true volunteer”, we understand the intent, but worry about trying to keep it all sorted out from regular volunteers.

Suggested language options:

(ii) The term does not mean a true volunteer who is not listed on a roster of service **OR**

(ii) The term does not include a true volunteer who is not listed on a roster of service or a member of a volunteer fire department provided for in 7-33-4109.

Section 3(1)(b) - County tax levy to pay volunteer firefighter workers' compensation coverage

From Chris Hindoien:

I believe if you were to ask, this isn't going to be adequate. I am hearing from some of the VFD's I currently have insured with WC that they are having to contemplate responding to "Mutual Aid" due to the costs involved now. I know of one district who will come close to actually double hours due to the Mutual Aid time spent supporting surrounding VFD's.

(b) establish a contingency fund of 10% above the premium amounts projected in [section 1]. The contingency amount is to be used only for contingencies related to workers' compensation premium payments.

From Harold Blattie:

NEW SECTION. Section 3. County tax levy to pay volunteer firefighter workers' compensation coverage. (1) Subject to subsection (6), the county governing body shall levy an annual property tax in the amount necessary to:

(a) fund premiums for workers' compensation for volunteer firefighters as provided in [section 1]; and

(b) establish a contingency fund of 10% above the premium amounts projected in [section 1]. reserve in accordance with 7-6-4034(2)(a).
~~The contingency reserve amount is to be used only for contingencies related to workers' compensation premium payments.~~

Section 11 - 39-71-118 (10) (c): Changes in volunteer EMT to clarify how coverage is selected:

From Montana State Fund:

Section 11 - It appears that the coverage can be requested by the individual- we believe it should be the election of the employer, and then also request clarification that if elected by the employer, that *all* those in the same position (sole pros or partners without elections of coverage) are included. Also, in Section 14, (2) the language appears to provide that unless there is an election for sole pros and partners, they are limited to the regular benefit (but not both)-

Suggested language:

(c) A nontransporting medical unit described in subsection (10) (a) may make a separate election to provide benefits as described in this subsection; for all self-employed sole proprietors or partners who has have elected not to be covered under this chapter, but who is are covered as a volunteer emergency medical technician pursuant to subsection (12) (10) (a); and when may request that the ambulance service or volunteer nontransporting medical unit described in subsection (10) (a) make a separate election to provide additional benefits as described in this subsection. If the separate election is made and approved by the insurer, the self-employed sole proprietors or partners; injured in the course and scope of employment as a volunteer emergency medical technicians may in addition to instead of the benefits described in subsection (12) (10) (b) be eligible for benefits at an assumed wage of the minimum wage established under Title 39, chapter 3, part 4, for 2,080 hours a year. If an the separate election is made as provided in this subsection (12) (a), payrolls must be reported and premiums must be assessed on the assumed weekly wage.

New Section 14

From Montana State Fund - same comment on true volunteer as in Section 1.

Suggested language:

(ii) The term does not include a true volunteer anyone who is not listed on a roster of service or a member of a volunteer fire department provided for in 7-33-4109.

Regarding (1)(b)

From Montana State Fund: We could probably use a little more language around how to apply the inclusion of emergency medical service hours with volunteer firefighter hours. It says “may” – so it appears to be an employer option which could produce inconsistent outcomes. Also as the volunteer firefighter coverage is mandatory, but the medical coverage is not, it could get confusing if an injury occurred, and also the fact that not all the options include tracking hours.

No suggested language. This is the paragraph:

The employer as defined in [section 1] may count as volunteer hours any time spent on an emergency medical service call by a volunteer firefighter who also serves as a volunteer emergency medical technician.

Regarding 2(a):

From Montana State Fund: Some suggested language clarifications. Changing “basing” payroll to “reporting” payroll and deleting “annual” in the first option. Also, without the 60 hours limit

there would be no premium or benefit limit, but more of a question as not sure of the intent.

In the second option, we had the question of when to determine the roster count, as the roster may change up or down during the year. Clarification would be helpful here for employers and insurers. One approach could be to pay the full annual fee regardless of when a volunteer left or came on. Proration could be considered but could cause accounting challenges for employers and insurers

(2) (a) For premium purposes an employer defined in [section 1] shall ~~base report~~ payroll for all volunteer firefighters on the roster of service on the number of ~~annual~~-volunteer hours of each volunteer firefighter times the state's average weekly wage divided by 40 hours;

(2) (c) For premium purposes an employer defined in [section 1] shall ~~base report~~ payroll for all volunteer firefighters on the roster of service on a flat rate established by the designated workers' compensation advisory organization, as provided in Title 33, chapter 16, part 10.

2(e) For premium purposes an employer defined in [section 1] shall ~~base report~~ payroll for all volunteer firefighters on an assumed weekly wage of \$600, adjusted annually starting in 2015 based upon the increase, if any, in the prior year's consumer price index, U.S. city average, all urban consumers, for all items, as published by the bureau of labor statistics of the United States department of labor.. The department shall post the adjusted assumed weekly wage on its website.

From Harold Blattie at the Montana Association of Counties:

I have some concern with consideration of a flat rate being used for premiums, based upon a recommendation from NCCI. Every insurer and/or pool will have different loss experiences. Insurers/pools use actuaries to establish rates, based upon these losses. Using a set flat fee would have insurers collecting too little or too much in premiums, resulting in excess margins or forced losses, neither of which are the right thing to do.

While a flat fee may be simple to administer, I do not believe the legislature should establish premiums. That is the job of an actuary.