



**House  
Legislative  
Analysis  
Section**

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**EMERGENCY RESCUE TEAMS:  
WORKERS' COMP. BENEFITS**

**House Bill 5536 (Substitute H-1)  
First Analysis (3-12-96)**

**Sponsor: Rep. Walter J. DeLange  
Committee: Human Resources and Labor**

***THE APPARENT PROBLEM:***

While local fire fighters, police officers, emergency medical personnel, and other local emergency "first responders" are trained to deal with many emergency situations, most local first responders do not have the equipment, training, or funding to meet the complex search and rescue needs resulting from major urban disasters. The Federal Emergency Management Agency (FEMA) had funded 25 specialized rescue teams to respond to just such major disasters. Some of these FEMA teams were activated, for example, for the Oklahoma City disaster. However, reportedly some of these teams are disbanding because of the uncertainty of continued federal funding. Partly in recognition of the need for such specialized rescue services and in response to requests for help from Michigan fire departments, the National Fire Safety Council, which is headquartered in Jackson, has been helping the development of an independent, privately-funded specialized technical rescue organization in Michigan, the Michigan Technical Rescue Operations Team (MTROT). MTROT operates as a division of the National Fire Safety Council, a federally tax-exempt charity which is donating accounting, legal, and fundraising services to MTROT. All MTROT funds will be kept in their own bank account, and restricted to use for MTROT purposes. The council has begun fundraising and hopes to raise \$1.5 million for equipment. MTROT is governed by The Task Force Committee, which is chaired by a representative of the Detroit Fire Commissioner, and is in the process of establishing the first of what it hopes will be a minimum of five responder teams strategically located throughout the state. The first MTROT responder team will be in southeastern Michigan, with the Detroit Fire Department as the team's lead fire department, and the University of Michigan Hospital as the team's lead medical facility. Both Detroit Receiving Hospital and Beaumont Hospital (in Royal Oak) also have expressed interest in working with the medical teams. All MTROT members are volunteers, and work without pay from MTROT. Many are full time firefighters, emergency medical personnel, police officers, or other emergency responders who have trained on their own

time and at their own expense, but other members are simply concerned citizens who have devoted the time and energy necessary to make the MTROT a success. MTROT already has provided more than 300 hours of advanced training in various basic areas of specialized training, including search dog teams, confined space rescue, rope rappelling, heavy rigging, structure collapse, hazardous materials, communications, technical search, diving rescue, and medical. MTROT supervisors and trainers also have attended national conferences and symposia in their respective specialties, and MTROT search and rescue dog team leaders (including dogs and handlers) have attended national seminars and symposia and have completed more than 340 hours of training.

MTROT's mission statement says that its mission is "to provide rapid search and rescue services, utilizing state of the art equipment and appropriately trained search and rescue technicians to the entire state of Michigan; aiding local first responders in emergency search and rescue situations when those situations call for skills, training, and equipment not available at the local level." Its objectives include equipping a minimum of five responder teams strategically located throughout the state, with each team being equipped and staffed to provide needed services to the designated geographical area; assigning trained personnel to each responder team; and providing search and rescue capability in situations that are beyond the training or equipment capabilities of the local first responders and that would require the expertise and equipment of MTROT (including such specific areas as building collapse, downed aircraft, water and ice rescue, confined space rescue, cave-ins, multiple vehicle accidents, and hazardous materials and waste rescues, not cleanups). MTROT's stated strategies are (a) to assemble a group of skilled and trained professionals, utilizing each of their talents, and cross-training volunteers; and (b) to form responder teams one at a time, insuring that a team is functioning properly and is properly funded before starting the next team. The first team will be established in southeastern Michigan, and will be used

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as a model for subsequent teams, with necessary modifications as required by geographical location.

An MTROT responder team would be activated only upon the request of the state or local governmental agencies for disaster assistance. The sponsoring organization (in the case of the first, southeastern Michigan team, the Detroit Fire Department) would initiate the activation of the required personnel and equipment, using the existing notification system in place at that time. All MTROT activities would operate under the Federal Incident Command System, which means that an MTROT Task Force Leader would be appointed for each incident, reporting to, but independent of, the Incident Commander established by the local jurisdiction. Mobilization and deployment of an MTROT responder teams would be under the MTROT Task Force Leader, who, upon arrival at the disaster scene, would provide an ongoing briefing, maps, food, and housing as necessary, and other items essential to the initial setup and support of MTROT. The lead medical agency (again, in the case of the southeastern Michigan team, the University of Michigan Hospital) would provide all medical services and equipment, including (but not limited to) MTROT team physicals, vaccinations, medical supplies, treatment on scene, medical records, emergency medical training, directing patient care during extrication, and working with local medical authorities.

Because all members of MTROT are volunteers, and would be responsible to a volunteer commander, serious doubt was expressed by insurance carriers concerning insurance coverage for these volunteers. Legislation has been introduced to address this issue.

### ***THE CONTENT OF THE BILL:***

Under the Worker's Disability Compensation Act, every employer, public and private, and every employee, unless otherwise noted in the act, is subject to and bound by the act. The act defines both "employer" and "employee." The bill would amend the definition of "employee" with regard to "a volunteer member of a nonprofit organization recognized by one or more counties, cities, villages, or townships within this state as an authorized emergency rescue team" -- that is, Michigan Technical Rescue Operations Team volunteers. Each member of the rescue team would be covered by a worker's compensation insurance policy obtained by the team, unless the team member's employer agreed in writing to provide coverage for that member under its policy. Team members who weren't

state or local police officers, fire fighters, EMTs, or ambulance drivers who were injured in the normal scope of their duties as team members would be considered to be employees of the team. For purposes of MTROT training, however, state or local police officers, fire fighters, EMTs, or ambulance drivers would be covered by their employers' worker's compensation insurance. (More specifically, if an MTROT volunteer was a state, county, city, village, or township police officer, fire fighter, emergency medical technician, or ambulance driver and was injured in the normal scope of duties -- excluding activation -- as a volunteer member of the rescue team, he or she would covered under his or her employer's worker's compensation insurance.) The weekly rate of compensation provided under the act for injured team members would be the state average weekly wage (SAWW) at the time of injury, unless the team member earned a wage greater than the SAWW at the time of injury, in which case, his or her weekly rate of compensation would be based on his or her actual average weekly wage.

MCL 418.161

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no fiscal implications for the state, but would have an indeterminate increase in costs to local governments. (3-7-96)

### ***ARGUMENTS:***

#### ***For:***

Volunteers who provide such vital, but dangerous, public service as proposed by the Michigan Technical Rescue Operations Team (MTROT) put themselves in often highly dangerous situations in which they could be injured or even killed. Since they are volunteers, questions have arisen over whether or not they and their families would be eligible for worker's compensation insurance benefits if they were injured or killed during their volunteer service. Volunteers who are willing to give up their time to provide such vital public service should at least have the piece of mind of knowing that they and their families will have coverage if they were injured or killed while volunteering. The bill would require the emergency rescue teams to provide such coverage for their members, while allowing those employers who were willing to do so to provide such coverage to their employees engaged in such volunteer services.

***POSITIONS:***

The Michigan Municipal League supports the bill. (3-5-96)

The Accident Fund (Blue Cross and Blue Shield of Michigan) supports the bill. (3-7-96)

The Michigan Townships Association supports the bill. (3-8-96)

The Detroit Fire Department is in support of the bill. (3-8-96)