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Obamacare Could Force Volunteer Fire Departments To Cover Firefighters

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Must fire companies provide health insurance for their volunteers? The question was raised earlier this month when a story by the British newspaper Daily Mail asserted that "Obamacare could force THOUSANDS of volunteer fire departments to close."

The basis for the story stems from an IRS memo that states:

"Generally, tax laws apply to firefighters in the same manner as for other types of workers. It does not matter whether firefighters are termed 'volunteers', are considered employees, or are identified by any other name, if the work they do is subject to the will and control of the payer, under the common-law rules, they are employees for federal tax purposes."

Talk about flash fire. If the Obama administration thought access to the website healthCare.org was a problem, this debacle could top it.

There are more than 20,000 volunteer fire companies in the United States, 75 of which are located in Lancaster County. Requiring them to provide health care coverage could force at least some of them to close.

It's important to note that the memo is not the last word. And the IRS has not yet issued final employer rules which take effect in 2015.

But while logic suggests that volunteer fire companies will be exempt from the mandate, members of Congress are not taking any chances.

U.S. Rep. Barletta, R-Pa., offered H.R. 3685, the synopsis of which states:

"To ensure that emergency services volunteers are not counted as full-time employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act."

Nor is he alone. Sen. Bob Casey, R-Pa., signed a joint letter from seven other U.S. senators calling on Treasury Secretary Jack Lew to address the issue.

In the letter, the senators make the case that it is imperative that the Treasury distinguish between full-time, paid emergency responders and volunteer firemen who receive nominal compensation.

David Finger, director of government relations for the National Volunteer Fire Council, said he had not spoken to any legislator who thought that volunteer fire companies should be included in the provisions of the Affordable Care Act.

Ultimately, this is likely to become a moot point. Not only has legislation been proposed to override the provision, lawmakers have said it was never the intent of the law to include volunteer fire companies.

That said, this should not even have become an issue. Volunteer emergency responders are just that - volunteers.

But the mere fact that lawmakers on both sides of the aisle are now writing letters and offering legislation to exempt volunteer firefighters is testament to the fact that the law is not as settled as most thought it was.

Just as unsettling is this thought: If the law could conceivably cover volunteer fire companies, who else might it affect?

Written by Intelligencer Journal

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