

RESOLUTION IN SUPPORT OF ACTIVITIES TO AMEND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT'S APPLICATION TO VOLUNTEER FIREFIGHTERS AND THE HIGH-RISK OCCUPATION EXEMPTION

Offered by:
International Association of Fire Chiefs
International Association of Fire Fighters
National Volunteer Fire Council

Whereas, the Patient Protection and Affordable Care Act (PPACA), P.L. 111-148, contains a provision known as the Shared Responsibility Provision which requires certain large employers to offer health insurance to their employees;

Whereas, the Internal Revenue Service (IRS) has been given the task of enforcing the Shared Responsibility Provision;

Whereas, the IRS currently classifies volunteer firefighters as common-law employees of their fire departments, despite a ruling by the U.S. Department of Labor which set a bright-line test for fire departments to use to classify volunteer firefighters as non-employees;

Whereas, the IRS has not yet released its final rule for the implementation of the Shared Responsibility Provision;

Whereas, the Shared Responsibility Provision may create strong incentives for fire departments to significantly reduce or eliminate their volunteer personnel, or their volunteers' training hours and administrative duties;

Whereas, the Patient Protection and Affordable Care Act also imposes a 40 percent excise tax on health insurance policies that cost more than \$10,200 for self-only coverage and \$27,500 for family coverage; and

Whereas, a higher threshold is provided for plans covering a group of employees if a majority of the employees are engaged in "high risk" occupations, such as firefighting; and

Whereas, most fire fighters would not be covered by the high-risk exemption because they are enrolled in health plans that cover employees in many different occupations;

Now, therefore, be it resolved that the Congressional Fire Services Institute:

- 1) Requests that the IRS establish in its final rule implementing the Shared Responsibility Provision that volunteer firefighters and volunteer EMS personnel should not be considered as employees for the purposes of calculating a fire department's number of full-time employees under the PPACA.
- 2) Requests that the IRS issue their final rule as quickly as possible, and include a section to clearly and specifically address how the Shared Responsibility Provision will apply to fire departments with volunteer and part-time firefighters and EMS personnel.
- 3) Supports legislative and regulatory actions to ensure that all fire fighters are able to take advantage of the "high-risk" occupation exemption under the excise tax.