



# **FIREFIGHTERS CANCER RELIEF PROGRAM BENEFITS: AN OVERVIEW**

January 2024



## **Firefighters Cancer Relief Program Benefits: An Overview**

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This publication is intended for general purposes only and is not intended to provide legal advice. If you have questions about particular legal issues or the application of the law specific factual situations, CIRMA strongly recommends that you consult your attorney.

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## Introduction

We understand that you care about your employees—especially when they're enduring a difficult situation such as a workplace injury or illness. That's why we help you navigate the legal landscape and maximize services and resources to help ensure your injured employees receive the respect, quality care, and benefits they deserve.

In this whitepaper, we'll cover essential details you should know about Connecticut's Firefighters Cancer Relief Program and how the benefits offered through this program may impact your workforce.

**Effective October 1, 2023**, Connecticut Public Act 23-204 established a Firefighters Cancer Relief Program. The program aims to provide wage replacement benefits to firefighters diagnosed with certain types of cancer who meet other specified criteria. **Firefighters Cancer Relief Program benefits are not workers' compensation benefits**, and they are not covered under an employer's workers' compensation policy. The municipality where the firefighter is employed shall administer claims and make payments similar to how workers' compensation claims are handled under Chapter 568 of the Connecticut General Statutes (CGS). The municipality pays these benefits and is then reimbursed through a state fund specifically for firefighters who are diagnosed with cancer.

## History

In Connecticut, an eligible injured employee who wishes to pursue workers' compensation benefits, including cancer claims, maintains the burden to prove that their illness (regardless of fault) arose out and in the course and scope of employment.

In 2016, a bipartisan group of firefighters and union officials collaborated with municipal leaders to create new legislation. Under CGS 7-313i, a wage replacement fund, outside workers' compensation, was established for firefighters diagnosed with cancer on or after 7/1/2019. Under this fund, an eligible employee has no burden to prove their illness arose out and in the course of the scope of employment.

In 2022, members of this group collaborated again on new legislation. Under CGS 7-313j, a new law was implemented to provide wage replacement benefits for firefighters diagnosed with cancer on or after October 1, 2023. Under this fund, an



eligible employee has no burden to prove their illness arose out and in the course of the scope of employment.

- Under Connecticut Law, a firefighter can pursue a claim for benefits under either CGS 7-313i, 7-313j, or workers' compensation benefits. However, they can only pursue benefits under one of the options.

## Who is Eligible?

1. Any active firefighter, as defined by section 7-313g (provided on page five of this whitepaper) of the CGS, who has at least five years of experience as an interior structural firefighter service.
2. Retired firefighters who served within five years from the date of application for benefits.
3. Survivor and/or dependent of a firefighter.

## How to Qualify

1. Must be an eligible firefighter as outlined above.
2. Must have a diagnosis of cancer affecting: (brain, skeletal, digestive, endocrine, respiratory, lymphatic, reproductive, urinary, or hematological systems).
3. Must have submitted to a pre-employment physical examination, which failed to reveal any evidence of or a propensity for cancer.
4. Must have no evidence of using cigarettes during the 15-year period before the diagnosis.
5. Must submit to annual medical health screenings as the firefighter's medical provider recommends.

## What Benefits are Available?

1. Wage replacement benefits.
2. Survivor benefits for spouse and/or dependent.
3. Replacement of out-of-pocket costs associated with a firefighter's cancer treatment, not covered by personal or group health insurance.

## How to Report a Claim for Benefits

- Firefighters must provide formal notice (a Form 30C) to the Workers' Compensation Commission and the

municipality where the firefighter is employed via the Town Clerk's Office within one year of diagnosis.

**These benefits are not workers' compensation benefits, and they are not covered under an employer's workers' compensation policy.**

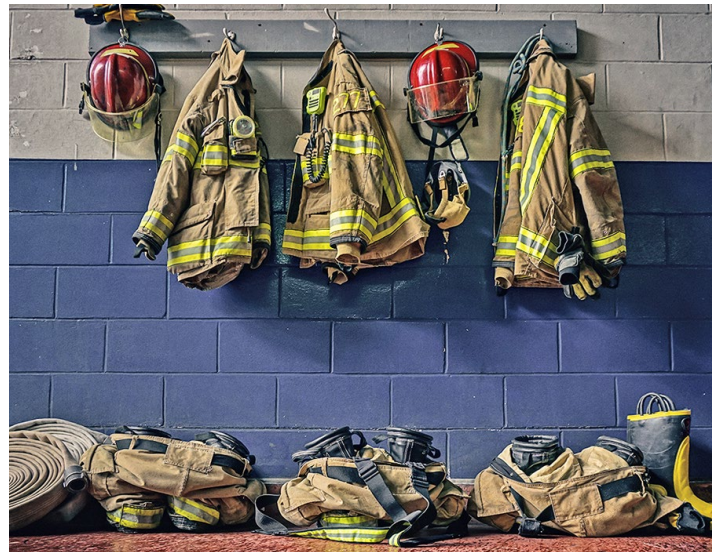
## Administration of Claims

The municipality where the firefighter is employed shall administer claims and make payments in the same manner as workers' compensation claims under Chapter 568 of the CGS.

1. Following payment, the Municipality shall apply for reimbursement to the State Treasurer for reimbursement from the Firefighter's Cancer Relief Fund.
2. Reimbursement payments shall be processed no later than 45 days after receiving the application.
3. Any benefits provided to the firefighter or the firefighter's dependents shall be offset by any other benefits they may be entitled to, including:
  - a. Workers' compensation.
  - b. State retirement system under which they were covered as a result of health issues caused by occupational cancer.
4. The State Treasurer shall have the authority to audit reimbursements.
5. No payments shall be used as evidence supporting any future workers' compensation claim.
6. Any firefighter receiving compensation under this section is prohibited from filing a workers' compensation claim.
7. If the Firefighters Cancer Relief Program becomes insolvent, a municipality shall have no obligation to continue providing compensation and benefits. The firefighter or survivor may file a workers' compensation claim within one year of notice that the firefighter cancer relief fund is becoming insolvent.

## Best Practices

1. Contact your workers' compensation insurance provider or third-party claims administrator immediately upon receipt of a formal notice of a claim (Form 30C)
  - a. Ensure the notice is timely and specifically delineates from claiming under workers' compensation.
  - b. Validation that there have not been workers' compensation or any other benefits that would be subject to an offset.
2. Establish a formal process for the investigation and administration of claims.
  - a. Keep all copies of pre-employment physicals and annual health screenings for submission to the State.
  - b. Request a signed medical authorization from the employee to obtain all medical records, including primary care physician and any treatment regarding cancer diagnosis.
  - c. Complete a 52-week wage form and obtain a signed claim filing status form to determine the average weekly wage and base compensation rates.
  - d. On survivor claims, a copy of a valid marriage certificate and death certificate will be required.



- e. A copy of the dependent birth certificate will be required for dependency claims.
  - f. Set up a process for payment, documentation of benefits paid, and completion of reimbursement application for submission to the State Treasurer.
3. Require **annual submission of an affidavit** from all paid and volunteer firefighters **denying any use of tobacco products and cigarettes**.
  4. In the event of a hearing or any litigation, the State of Connecticut's Attorney General's office should be cited to participate.

## Frequently Asked Questions

# FAQS

- Q. Is this covered under my entity's workers' compensation insurance policy?**
- A.** Section 7-313j is a separate benefit and is not covered under workers' compensation. Ensure the formal notice of claim delineates how the claim is being filed. (either under WC or the Firefighters Cancer Relief Program)
- Q. Who manages the Firefighters Cancer Relief Program?**
- A.** An advisory committee annually evaluates the Program's financial solvency and reports to the State Treasurer. There are 13 individuals on this committee, including two appointed by the Connecticut Conference of Municipalities.

- Q. Are all firefighters covered?**
- A.** No, all firefighters are not covered. Only those as defined in section 7-313g CGS are covered.
- Q. Who is responsible for settling disputes?**
- A.** The Connecticut Workers' Compensation Commission will resolve disputes.
- Q. Can an employee file for both Workers' Compensation and under the Firefighters Cancer Relief Program?**
- A.** No, an employee must make an election to pursue a claim under either one or the other.

## Important Statute Details

### Section 7-313i

*Firefighters cancer relief subcommittee established. Determination and remittance of wage replacement benefits.*

- (a) *There is established a firefighter's cancer relief subcommittee of the Connecticut State Firefighters Association that shall consist of one member from the Connecticut State Firefighters Association, one member from the Connecticut Fire Chiefs Association, one member from the Uniformed Professional Firefighters of the International Association of Firefighters, one member from the Connecticut Fire Marshals Association, and one member from the Connecticut Conference of Municipalities. Such subcommittee shall review claims for wage replacement benefits submitted to the firefighter's cancer relief program established pursuant to section 7-313j and provide wage replacement benefits, in accordance with the provisions of subsection (b) of section 3-123, to any firefighter who the subcommittee determines is eligible for such wage replacement benefits pursuant to the provisions of section 7-313j. The subcommittee may determine the weekly wage replacement benefits provided to a firefighter in accordance with the provisions of this chapter and chapter 568.*
- (b) *A firefighter who is approved for wage replacement benefits by the subcommittee pursuant to subsection (a) of this section shall be eligible for such benefits on and after July 1, 2019, and for a period determined by the*
- subcommittee, provided such period shall not exceed twenty-four months. The maximum weekly wage replacement benefit under this section shall be determined by the subcommittee, provided such maximum weekly wage replacement benefit shall not exceed one hundred per cent, raised to the next even dollar, of the average weekly earnings of all workers in the state for the year in which the condition of cancer was diagnosed. The average weekly earnings of all workers in the state shall be determined by the Labor Commissioner on or before the fifteenth day of August of each year, to be effective the following October first, and shall be the average of all workers' weekly earnings for the year ending the previous June thirtieth and shall be so determined in accordance with the standards for the determination of average weekly earnings of all workers established by the United States Department of Labor, Bureau of Labor Statistics.*
- (c) *A firefighter may receive wage replacement benefits under this section concurrently with any employer-provided employment benefits, provided the total compensation of such firefighter during such period of receiving benefits under this section shall not exceed such firefighter's pay rate at the time such firefighter was diagnosed with a condition of cancer described in section 7-313j.*
- (d) *No firefighter shall receive compensation under this section concurrently with the provisions of chapter 567 or 568 or any other municipal, state or federal*





*program that provides wage replacement benefits.*

- (e) No approval of wage replacement benefits for a firefighter by the subcommittee pursuant to subsection (a) of this section shall be used as evidence, proof or an acknowledgment of liability or causation in any proceeding under chapter 568.*
- (f) No approval of wage replacement benefits for a firefighter by the subcommittee pursuant to subsection (a) of this section shall create a presumption that the firefighter's cancer was work related for purposes of chapter 568. Nothing in this section shall be construed to diminish or affect in any manner a firefighter's rights and benefits or any rights and defenses that an employer may have under chapter 568.*
- (g) Notwithstanding any other provision of the general statutes, any employer who provides accident and health insurance or life insurance coverage for a firefighter or makes payments or contributions at the regular hourly or weekly rate for the firefighter to an employee welfare plan, shall provide to the firefighter equivalent insurance coverage or welfare plan payments or contributions while the firefighter is eligible to receive or is receiving*

*wage replacement compensation under this section. As used in this section, "employee welfare plan" means any plan established or maintained for such firefighter or such firefighter's family or dependents, or for both, for medical, surgical or hospital care benefits.*

- (h) The State Treasurer shall remit wage replacement benefits that are approved by the subcommittee from the firefighter's cancer relief account established pursuant to section 7-313h not later than thirty days after such benefits have been approved.*

### **Section 7-313j**

- (a) A Firefighters Cancer Relief Program has been established, which aims to provide wage replacement benefits to firefighters diagnosed with certain conditions of cancer as a result of their service as firefighters.*
- (b) A firefighter shall be eligible for wage replacement benefits for any condition of cancer affecting:
  - 8. Brain, skin, skeletal system, digestive system, endocrine system, respiratory system, lymphatic system, reproductive system, urinary system, or hematological system that results in death or**



*temporary or permanent total or partial disability, provided.*

- (1) such firefighter successfully passed a physical examination upon entry into such service, or subsequent to entry, as the case may be, that failed to reveal any evidence of such cancer.*
- (2) such firefighter has submitted to annual physical examinations subsequent to entry into such service that have failed to reveal any evidence of such cancer or a propensity for such cancer.*
- (3) such firefighter has not used any cigarettes, as defined in section 12-285, or any other tobacco products, as defined in section 12-330a, within fifteen years of applying for wage replacement benefits pursuant to subsection (b) or (c) of this section.*
- (4) such firefighter has worked for not less than five years on or after February 1, 2017, as
  - (A) an interior structural firefighter at a paid municipal, state or volunteer fire department, or*
  - (B) a local fire marshal, deputy fire marshal, fire investigator, fire inspector or such other class of inspector or investigator for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification pursuant to section 29-298, at the time such cancer is discovered, or should have been discovered.**
- (5) such firefighter has complied with the federal Occupational Safety and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156 for a period of not less than five consecutive years, and*
- (6) such cancer is one that is known to result from exposure to heat, radiation or a known carcinogen as determined by the International Agency for Research on Cancer or the National Toxicology Program of the United States Department of Health and Human Services. For purposes of this subsection, "interior structural firefighter" means an individual who performs fire supp-*



*ression, rescue or both, inside of buildings or enclosed structures that are involved in a fire situation beyond the incipient stage, as defined in 29 CFR 1910.155.*

- (c) Any individual who is no longer actively serving as a firefighter but who otherwise would be eligible for wage replacement benefits pursuant to the provisions of subsection (b) of this section, may apply for such benefits not more than five years from the date such individual last served as a firefighter.*
- (d) A firefighter or individual applying for wage replacement benefits pursuant to subsection (b) or (c) of this section shall be required to submit to annual physical examinations, including blood testing, during his or her active service and for a period of five years after the date such individual last served as a firefighter as a condition of receiving such benefits. An individual who no longer serves as a firefighter shall bear the cost of any physical examination required under this subsection.*

### **Section 7-313g CGS**

*“firefighter” shall include any:*

- (1) local fire marshal, deputy fire marshal, fire investigator, fire inspector and such other classes of inspectors and investigators for whom the State Fire Marshal and the Codes and Standards Committee*
- (2) uniformed member of a **paid municipal, state or volunteer** fire department.*

### **Section 12-285 CGS**

*“Cigarette” means and includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco and such roll weighs over three pounds per thousand, provided, if any roll for smoking has a wrapper made of homogenized tobacco or natural leaf tobacco, and the roll is a cigarette size so that it weighs three pounds or less per thousand.*

## **Summary**

Connecticut Public Act 23-204 was implemented with the intent to provide a benefit to firefighters who have been diagnosed with cancer. Although benefits will follow workers’ compensation guidelines, these are not and were not intended to be covered under workers’ compensation insurance.

CIRMA expects nuances, protocols, policies, and procedures surrounding the Firefighters Cancer Relief Program to evolve over time. We remain committed to informing our members of the latest details as they materialize. In the interim, please contact your CIRMA Claim professional with additional questions.





## **About CIRMA**

CIRMA was established as a Connecticut Conference of Municipalities (CCM) service program—Connecticut’s association of towns and cities. Today, CIRMA is Connecticut’s number-one municipal risk financing and risk management services provider for Connecticut’s public entities. A member-owned and governed agency, CIRMA provides high-quality, tailored insurance for municipalities, school districts, and local public agencies. CIRMA operates competitive Workers’ Compensation and Liability-Auto-Property pools and provides holistic claims services and risk management solutions exclusively to the Connecticut public sector.



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