



CERT members can receive Workers' Compensation coverage through the State, but only if certain preconditions are met.

# Workers' Compensation and Community Emergency Response Teams (CERTs)



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# Protect your CERTs from personal financial loss by properly deploying the team.

In most circumstances, any volunteer organization by definition fails to create the traditional Employer-Employee relationship necessary for Workers' Compensation coverage.

The Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their communities and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community.

## Scenario

A local CERT was approached by local law enforcement to assist with directing traffic as part of the traffic-control measures for a town festival. Town officials assumed that the CERT's assistance would be considered an annual training event for the CERT members and that the State would cover their activity under Title 28 coverage.

While directing traffic on the day of the event, a 40 year old CERT member was struck by a vehicle and thrown onto the sidewalk. The vehicle fled the scene and was not apprehended. The injured CERT member was treated for multiple blunt force trauma, fractured leg and multiple lacerations. After being released from the hospital, he was unable to return to his employment as an electrician for several weeks.

When town officials submitted the paperwork to the State for coverage for the injury under Title 28, the State denied coverage because the proper CERT activation/training paperwork was not submitted nor approved by the State prior to the event. Although the injured member was working at a town event, they were not a paid employee of the Town but rather a volunteer, thus not afforded Workers' Compensation benefits. The injured CERT member therefore had to use his own group health insurance and incurred out of pocket expenses as well as needing to utilize sick and vacation time for his time away from work.

## How could this have been avoided?

In this particular case, all safety procedures for traffic control were in place the day of the event and the injury was caused by the driver who fled the scene. The breakdown was the failure to acquire prior approval from the State by the CERT for their participation at the event. If their participation was approved by the State, then coverage would have been afforded to the injured person. If CERT participation would have been denied by the State as an appropriate activity, the Town and CERT members could have discussed an alternative to their participation. Additionally, since Town officials were unaware of the State's requirements, they didn't require the CERT to follow the State's procedures.

## When Coverage under Connecticut State Statute 28 Applies

The Connecticut Department of Emergency Management & Homeland Security's (DEMHS) Standard Operating Procedures advises municipalities to seek CERT authorization in the following situations:

- Emergency situations where the incident is beyond the capability of other municipal resources;
- Major planned events where the event is beyond the capability of other municipal resources; and
- Training occurring under the auspices of DEMHS."

The State further notes in its Advisory Bulletin 2009-1:

"Activities which do not constitute training, a major planned event, or do not involve an emergency situation where the incident is beyond the capability of municipal resources or there are no other means of activating the team, SHOULD NOT be submitted to DEMHS for Title 28 coverage."

CERT Activation forms and DEMHS Standard Operating Procedures can be found at [www.ct.gov/demhs/cwp](http://www.ct.gov/demhs/cwp).

For additional information on this topic, please contact your CIRMA Risk Management Consultant.

### Summary

Municipal officials should familiarize themselves with DEMHS CERT operating procedures, so that the next time a CERT is considered for active participation in a Town activity both parties understand the process and procedure for acquiring approval for CERT involvement. If the CERT activity is not approved, the Town can then take appropriate measures to manage the risk of these individuals as volunteers.

### Additional Resources

- CIRMA Risk Management Services, 203-946-3700, [www.cirma.org](http://www.cirma.org)
- Connecticut Department of Emergency Management & Homeland Security, [www.ct.gov/demhs](http://www.ct.gov/demhs)
- [Citizen Corps Volunteer Liability Guide](#) (Downloadable PDF) - An overview of legal issues and approaches to address liability for Emergency Volunteers.

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