

ANDY BARR
SIXTH DISTRICT, KENTUCKY

COMMITTEE ON FINANCIAL SERVICES

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT
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UNITED STATES
HOUSE OF REPRESENTATIVES

December 9, 2013

The Honorable Daniel Werfel
Acting Commissioner of Internal Revenue
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, D.C. 20004

Dear Acting Commissioner Werfel,

I am writing you because of concerns I am hearing from my constituents in the Sixth District of Kentucky regarding the treatment of volunteer fire departments under the Patient Protection and Affordable Care Act (PPACA), specifically with respect to the Employer Shared Responsibility Provision.

Many volunteer fire and EMS personnel receive minor benefits, which help offset expenses that they may incur in the course of their service. The Fair Labor Standards Act permits volunteers to be “paid expenses, reasonable benefits, a nominal fee, or any combination thereof, for their service without losing their status as volunteers.”

Nevertheless, the Internal Revenue Service (IRS) defines compensated volunteers as “employees” for the purpose of taxation. As the PPACA does not reference volunteer emergency responders, my constituents are concerned that these volunteers will be considered employees under the PPACA, and will therefore be subject to the employer Shared Responsibility Provision.

Forcing volunteer fire companies to comply with the Shared Responsibility Provision will potentially lead to the closure of firehouses and layoff of volunteer firefighters as the fire companies try to avoid classification as a large employer.

I respectfully request that you review the classification of volunteer emergency responders as employees under the Employer Shared Responsibility Provisions of the PPACA, and consider clearly exempting volunteers from being designated as employees. If you have any questions, please do not hesitate to reach out to Francis Brooke in my office at (202) 225-4706, or at francis.brooke@mail.house.gov.

Sincerely,

A handwritten signature in blue ink that reads "Andy Barr".

Andy Barr
Member of Congress