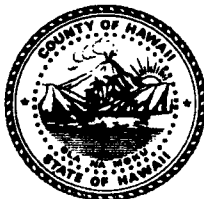


Harry Kim  
Mayor



Lincoln S.T. Ashida  
Corporation Counsel

Gerald Takase  
Assistant Corporation  
Counsel

**COUNTY OF HAWAII**  
**OFFICE OF THE CORPORATION COUNSEL**

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720-4262 • (808) 961-8251 • Fax (808) 961-8622

**PRIVILEGED AND CONFIDENTIAL COMMUNICATION**  
**ATTORNEY-CLIENT COMMUNICATION**  
**NOT A PUBLIC RECORD**

July 12, 2006

Ms. Charmaine Kamaka, Safety Coordinator  
Department of Civil Service  
101 Pauahi Street, Suite 2  
Hilo, Hawai'i 96720

*Re: Legal Opinion re Volunteer Firefighters*  
*Our File: WRK 06-12765*

Dear Ms. Kamaka:

You requested an opinion from our office regarding whether volunteer firefighters are considered employees under HIOSH statutes.

I have reviewed appropriate statutes, including both the Hawai'i Revised Statutes and the County Code of the County of Hawai'i. I have also had a chance to review appropriate case law regarding this question.

Section 396 et seq., HRS, concerns itself with Occupational Safety and Health; specifically, Section 396-3, HRS, defines "employee" as every natural person who is required or directed or permitted or suffered by any employer to engage in any employment, or to go to work or be at any time in any place of employment. This definition would appear to encompass volunteers, including volunteer firefighters with the County of Hawai'i Fire Department. In addition, the Hawai'i County Code, as well as the Workers' Compensation Statutes (Chapter 386, HRS) provide for coverage of injuries sustained by volunteers, including volunteer firefighters. (See HRS Section 386-171 et seq. as well as Sections 2-16 through 2-26 of the Hawai'i County Code.)

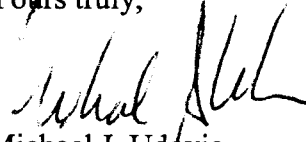
It is therefore the opinion of this office that volunteer firefighters would be covered under relevant HIOSH statutes, specifically under the provisions of Section 396, and by inference through a reading of the relevant sections of Chapter 386, HRS, and the provisions of the Hawai'i County Code quoted above.

*Hawai'i County is an Equal Opportunity Provider and Employer*

Ms. Charmaine Kamaka  
July 12, 2006  
Page 2

If you have any additional questions, please feel free to call my office.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael Udovic". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Udovic  
Deputy Corporation Counsel

MJU:mc

s:\work 2006\july\wrk 06-12765 ltr to civil svc re volunteer firefighters 7-12-06 MJUmc