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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - FAIR EMPLOYMENT PRACTICES

Introduced By: Representatives Gallison, Fogarty, Marshall, Winfield, and Costantino

Date Introduced: February 05, 2015

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-5 of the General Laws entitled "Fair Employment Practices" is
2 hereby amended by adding thereto the following section:

3 **28-5-43. Volunteer firefighters and emergency technicians - Responding to**
4 **emergencies, prohibition of discharge from other employment.** – (a) Upon prior notice of an
5 employee, no employer shall discharge or take any other disciplinary action against any employee
6 by reason of failure of that employee to report for work at the commencement of his or her
7 regular working hours where the failure is due to his or her responding to an emergency in his or
8 her capacity as a volunteer member of a fire department or ambulance department; provided,
9 however, that no such employer shall be required to compensate any employee for any period of
10 his or her normal working hours that he or she fails to report for work. At the request of an
11 employer, an employee shall submit a statement signed by the chief of his or her fire department
12 or ambulance department certifying the date and time the employee responded to and returned
13 from the emergency. An employee shall inform his or her employer or immediate supervisor of
14 all reasons for any failure to report to work as required.

15 (b) As used in this section:

16 (1) "Responding to an emergency" means responding to, working at the scene of, or
17 returning from a fire, rescue, emergency medical service call, hazardous materials incident, or a
18 natural or man-made disaster, where the emergency occurs during a period other than normal
19 working hours of the employee; and

1 (2) "Volunteer member" means a volunteer, call, reserve, or permanent-intermittent
2 firefighter or emergency medical technician, but shall not include any person who received
3 compensation for over nine hundred seventy-five (975) hours of services rendered in such
4 capacity over the preceding six (6) months.

5 (c) Any employee who is terminated or against whom any disciplinary action is taken in
6 violation of the provisions of this section shall be immediately reinstated to his or her former
7 position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or
8 other benefits during any period for which such termination or other disciplinary action was in
9 effect. An action to enforce the provisions of this section shall be commenced within one year of
10 the date of the alleged violation, in the superior court within the county wherein the action
11 occurred, or wherein the employer resides or transacts business.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would prohibit an employer from terminating an employee for failing to report to
2 regularly scheduled work when the cause for such failure was the employee's official response to
3 an emergency in his or her capacity as a volunteer firefighter or ambulance technician

4 This act would take effect upon passage.

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