

2016 -- H 7328

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LC004129
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - THE VOLUNTEER FIREFIGHTER
AND EMERGENCY TECHNICIAN PROTECTION ACT

Introduced By: Representatives Marshall, Azzinaro, Shekarchi, and Ruggiero

Date Introduced: January 27, 2016

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 6.13

4 THE VOLUNTEER FIREFIGHTER AND EMERGENCY TECHNICIAN PROTECTION ACT

5 **28-6.13-1. Short title. --** This chapter shall be known and may be cited as "The
6 Volunteer Firefighter and Emergency Technician Protection Act".

7 **28-6.13-2. Definitions. –** As used in this chapter: (1) "Responding to an emergency"
8 means responding to, working at the scene of, or returning from a fire, rescue, emergency medical
9 service call, hazardous materials incident, or a natural or man-made disaster, where the
10 emergency occurs during a period other than normal working hours of the employee; and

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

15 **28-6.13-3. Employment protection related to rendering of emergency assistance. --**
16 (a) Upon prompt notice by an employee, no employer shall discharge or take any other
17 disciplinary action against any employee by reason of failure of that employee to report for work
18 at the commencement of regular working hours wherein the failure is due to responding to an

1 emergency in the capacity as a volunteer member of a fire department or ambulance department;
2 provided, however, that no such employer shall be required to compensate any employee for any
3 period of normal working hours for failure to report for work. At the request of an employer, an
4 employee shall submit a statement signed by the chief of the appropriate fire department or
5 ambulance department certifying the date and time the employee responded to and returned from
6 the emergency. An employee shall inform the employer or immediate supervisor of all reasons
7 for any failure to report to work as required.

8 (b) Any employee who is terminated or against whom any disciplinary action is taken in
9 violation of the provisions of this chapter shall be immediately reinstated to their former position
10 without reduction of pay, seniority, or other benefits, and shall receive any lost pay or other
11 benefits during any period for which such termination or other disciplinary action was in effect.

12 (c) An action to enforce the provisions of this chapter shall be commenced within one
13 year of the date of the alleged violation in the superior court within the county wherein the action
14 occurred, or wherein the employer resides or transacts business.

15 SECTION 2. Section 28-5-43 of the General Laws in Chapter 28-5 entitled "Fair
16 Employment Practices" is hereby repealed.

17 ~~**28-5-43. Volunteer firefighters and emergency technicians --- Responding to**~~
18 ~~**emergencies, prohibition of discharge from other employment. ---**~~ (a) ~~Upon prior notice of an~~
19 ~~employee, no employer shall discharge or take any other disciplinary action against any employee~~
20 ~~by reason of failure of that employee to report for work at the commencement of his or her~~
21 ~~regular working hours where the failure is due to his or her responding to an emergency in his or~~
22 ~~her capacity as a volunteer member of a fire department or ambulance department; provided,~~
23 ~~however, that no such employer shall be required to compensate any employee for any period of~~
24 ~~his or her normal working hours that he or she fails to report for work. At the request of an~~
25 ~~employer, an employee shall submit a statement signed by the chief of his or her fire department~~
26 ~~or ambulance department certifying the date and time the employee responded to and returned~~
27 ~~from the emergency. An employee shall inform his or her employer or immediate supervisor of~~
28 ~~all reasons for any failure to report to work as required.~~

29 ~~(b) As used in this section:~~

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

34 ~~(2) "Volunteer member" means a volunteer, call, reserve, or permanent intermittent~~

1 ~~firefighter or emergency medical technician, but shall not include any person who received~~
2 ~~compensation for over nine hundred seventy five (975) hours of services rendered in such~~
3 ~~capacity over the preceding six (6) months.~~

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

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO LABOR AND LABOR RELATIONS - THE VOLUNTEER FIREFIGHTER
AND EMERGENCY TECHNICIAN PROTECTION ACT

- 1 This act would protect volunteer firefighters and emergency technicians in its own
- 2 chapter to clarify the judicial procedure required to remedy employer violations.
- 3 This act would take effect upon passage.

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