

Prohibiting Dismissing Certain Emergency Workers

This Act prohibits employers from firing employees who are volunteer firefighters, rescue squad members, emergency medical technicians, peace officers, or members of an emergency management agency, and are late to or absent from work because they respond to an emergency. However, employers may charge any time that such employees use to respond to emergencies against the employees' regular pay.

Submitted as:

Kentucky

HB 388

Status: Enacted into law in 2002.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act Prohibiting Dismissing
2 Certain Emergency Workers under Certain Conditions.”
3

4 Section 2. [*Prohibitions Against Terminating Certain Emergency Workers.*]

5 (A) No employer shall terminate an employee who is a volunteer firefighter, rescue
6 squad member, emergency medical technician, peace officer, or a member of an emergency
7 management agency, because that employee, when acting as a volunteer firefighter, rescue
8 squad member, emergency medical technician, peace officer, or a member of an emergency
9 management agency, is absent or late to the employee's employment in order to respond to an
10 emergency prior to the time the employee is to report to his or her place of employment.

11 (B) An employer may charge any time that an employee who is a volunteer firefighter,
12 rescue squad member, emergency medical technician, peace officer, or a member of an
13 emergency management agency loses from employment because of the employee's response to
14 an emergency against the employee's regular pay.

15 (C) An employer may request an employee who loses time from the employee's
16 employment to respond to an emergency to provide the employer with a written statement from
17 the supervisor or acting supervisor of the volunteer fire department, rescue squad, emergency
18 medical services agency, law enforcement agency, or the director of the emergency
19 management agency stating that the employee responded to an emergency and listing the time
20 and date of the emergency.

21 (D) Any employee that is terminated in violation of the provisions of this section may
22 bring a civil action against his or her employer. The employee may seek reinstatement to the
23 employee's former position, payment of back wages, reinstatement of fringe benefits, and where
24 seniority rights are granted, the reinstatement of seniority rights. In order to recover, the
25 employee shall file this action within [one year] of the date of the violation of this section.
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27 Section 3. [*Severability.*] [Insert severability clause.]
28

29 Section 4. [*Repealer.*] [Insert repealer clause.]
30

31 Section 5. [*Effective Date.*] [Insert effective date.]