

1 S.168

2 Introduced by Senator Benning

3 Referred to Committee on Economic Development, Housing and General
4 Affairs

5 Date: January 3, 2018

6 Subject: Labor; employment practices; fair employment practices; volunteer
7 emergency responders

8 Statement of purpose of bill as introduced: This bill proposes to prohibit
9 employers from discriminating or retaliating against employees who are absent
10 from work while performing duties as volunteer emergency responders.

11 An act relating to employment protection for volunteer emergency
12 responders

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 ~~Sec. 1. 21 V.S.A. § 495m is added to read:~~

15 ~~§ 495m. VOLUNTEER EMERGENCY RESPONDERS~~

16 ~~(a) As used in this section:~~

17 ~~(1) "Emergency medical personnel" shall include "emergency medical~~
18 ~~personnel," "ambulance service," "emergency medical services," and "first~~
19 ~~responder service" as defined in 24 V.S.A. § 2651.~~

20 ~~(2) "Firefighter" shall have the same meaning as in 20 V.S.A. § 3151(9).~~

1 ~~(3) "Volunteer emergency responder" means a volunteer firefighter or~~
2 ~~volunteer emergency medical personnel.~~

3 ~~(b) An employer shall not discharge, discriminate, or retaliate against an~~
4 ~~employee because the employee was absent from work to perform duty as a~~
5 ~~volunteer emergency responder.~~

6 ~~(c) This section shall not apply to any public safety agency or provider of~~
7 ~~emergency medical services if, as determined by the employer, the employee's~~
8 ~~absence would hinder the availability of public safety or emergency medical~~
9 ~~services.~~

10 ~~(d) An employee shall notify his or her employer at the time the employee~~
11 ~~becomes a volunteer emergency responder and shall provide the employer with~~
12 ~~a written statement signed by the chief of the volunteer fire department or the~~
13 ~~designated director or chief of the ambulance service or emergency medical~~
14 ~~services stating that the employee is a volunteer emergency responder.~~

15 ~~(e) Nothing in this section shall prohibit an employer from requiring an~~
16 ~~employee to provide reasonable notice that the employee is leaving work to~~
17 ~~respond to an emergency.~~

18 ~~(f)(1) An employer shall not be required to compensate an employee for~~
19 ~~time that an employee is absent from employment while performing his or her~~
20 ~~duty as a volunteer emergency responder.~~

21 ~~(2)(A) An employer may require an employee to use any accrued time~~

1 ~~off for time that the employee is absent from work while performing his or her~~
2 duty as a volunteer emergency responder, provided that the employer shall
3 compensate the employee for any accrued time off used at his or her normal
4 hourly wage rate.

5 (B) Notwithstanding subdivision (A) of this subdivision (2), an
6 employer shall not prevent an employee from performing his or her duty as a
7 volunteer emergency responder due to a lack of accrued time off or paid leave.

8 Sec. 2. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2018.~~

Sec. 1. 21 V.S.A. § 495o is added to read:

§ 495o. VOLUNTEER EMERGENCY RESPONDERS

(a) As used in this section:

(1) "Emergency medical personnel" shall include "emergency medical personnel," "ambulance service," "emergency medical services," and "first responder service" as defined in 24 V.S.A. § 2651.

(2) "Firefighter" shall have the same meaning as in 20 V.S.A. § 3151(3).

(3) "Volunteer emergency responder" means a volunteer firefighter or volunteer emergency medical personnel.

(b) An employer shall not discharge, discriminate, or retaliate against an employee because the employee was absent from work to perform duty as a volunteer emergency responder.

(c) This section shall not apply to:

(1) a public safety agency or provider of emergency medical services if, as determined by the employer, the employee's absence would hinder the availability of public safety or emergency medical services; or

(2) an employer that provides goods or services to the general public if the employee's absence would require the employer to suspend all business operations at a location that is open to the general public.

(d) An employee that is a volunteer emergency responder shall notify his or her employer at the time of hire or at the time that the employee becomes a volunteer emergency responder and shall provide the employer with a written statement signed by the chief of the volunteer fire department or the designated director or chief of the ambulance service or emergency medical services stating that the employee is a volunteer emergency responder.

(e) Nothing in this section shall prohibit an employer from requiring an employee to provide reasonable notice that the employee is leaving work to respond to an emergency.

(f)(1) An employer shall not be required to compensate an employee for time that an employee is absent from employment while performing his or her duty as a volunteer emergency responder.

(2)(A) An employer may require an employee to use any accrued time off for time that the employee is absent from work while performing his or her duty as a volunteer emergency responder, provided that the employer shall compensate the employee for any accrued time off used at his or her normal hourly wage rate.

(B) Notwithstanding subdivision (A) of this subdivision (2), an employer shall not prevent an employee from performing his or her duty as a volunteer emergency responder due to a lack of accrued time off or paid leave.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.