

1 S.168

2 Introduced by Senator Benning

3 Referred to Committee on

4 Date:

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

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

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

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

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

14 § 495m. VOLUNTEER EMERGENCY RESPONDERS

15 (a) As used in this section:

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

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

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.

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

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

9           Sec. 2. EFFECTIVE DATE

10           This act shall take effect on July 1, 2018.