

1 **SHB 1420** - H AMD
2 By Representative ____

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12
6 RCW to read as follows:

7 (1) An employer may not discharge from employment or discipline a
8 volunteer fire fighter because of leave taken related to an alarm of
9 fire or an emergency call.

10 (2)(a) A volunteer fire fighter who believes he or she was
11 discharged or disciplined in violation of this section may file a
12 complaint alleging the violation with the director. The volunteer fire
13 fighter may allege a violation only by filing such a complaint within
14 ninety days of the alleged violation.

15 (b) Upon receipt of the complaint, the director must cause an
16 investigation to be made as the director deems appropriate and must
17 determine whether this section has been violated. Notice of the
18 director's determination must be sent to the complainant and the
19 employer within ninety days of receipt of the complaint.

20 (c) If the director determines that this section was violated and
21 the employer fails to reinstate the employee or withdraw the
22 disciplinary action taken against the employee, whichever is
23 applicable, within thirty days of receipt of notice of the director's
24 determination, the volunteer fire fighter may bring an action against
25 the employer alleging a violation of this section and seeking
26 reinstatement or withdrawal of the disciplinary action.

27 (d) In any action brought under this section, the superior court
28 shall have jurisdiction, for cause shown, to restrain violations under
29 this section and to order reinstatement of the employee or withdrawal
30 of the disciplinary action.

31 (3) For the purposes of this section:

1 (a) "Alarm of fire or emergency call" means responding to, working
2 at, or returning from a fire alarm or an emergency call, but not
3 participating in training or other nonemergency activities.

4 (b) "Employer" means any person who had twenty or more full-time
5 equivalent employees in the previous year.

6 (c) "Reinstatement" means reinstatement with back pay, without
7 loss of seniority or benefits, and with removal of any related adverse
8 material from the employee's personnel file, if a file is maintained by
9 the employer.

10 (d) "Withdrawal of disciplinary action" means withdrawal of
11 disciplinary action with back pay, without loss of seniority or
12 benefits, and with removal of any related adverse material from the
13 employee's personnel file, if a file is maintained by the employer.

14 (e) "Volunteer fire fighter" means a fire fighter who:

15 (i) Is not paid;

16 (ii) Is not already at his or her place of employment when called
17 to serve as a volunteer, unless the employer agrees to provide such an
18 accommodation; and

19 (iii) Has been ordered to remain at his or her position by the
20 commanding authority at the scene of the fire.

21 (4) The legislature declares that the public policies articulated
22 in this section depend on the procedures established in this section
23 and no civil or criminal action may be maintained relying on the public
24 policies articulated in this section without complying with the
25 procedures set forth in this section, and to that end all civil actions
26 and civil causes of action for such injuries and all jurisdiction of
27 the courts of this state over such causes are hereby abolished, except
28 as provided in this section."

EFFECT: Prohibits an employer not only from discharging, but also
from disciplining, a volunteer fire fighter because of leave taken
to respond to, work at, or return from a fire alarm or an
emergency call, but not from training or other nonemergency
activities. These protections apply only to a volunteer fire
fighter who is not at his or her place of employment when called
to serve as a volunteer, and who has been ordered to remain at his
or her position by the commanding authority at the scene of the
fire.