

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 complaint must
13 be filed within ninety days of the alleged violation.

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

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

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

30 (3) For the purposes of this section:

31 (a) "Alarm of fire or emergency call" means responding to, working
32 at, or returning from a fire alarm or an emergency call, but not
33 participating in training activities.

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

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

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

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

12 (i) Is not paid;

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

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

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

EFFECT: Prohibits an employer not only from discharging, but also
from discriminating against, 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 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.