

**Commerce & Labor Committee**

**HB 1420**

**Brief Description:** *Prohibiting discrimination against volunteer fire fighters.*

**Sponsors:** *Representatives Hurst, Roach, Dunshee, Lovick, Woods, Jackley, Mielke, Wood, Carrell, Cooper, Sump, Hatfield, Pflug, Haigh, Conway, Reardon, Morris, Edmonds, Ruderman, O'Brien, Voloria, Poulsen, Morell, Kenney, Bush, Anderson, Cody, Santos, Rockefeller and Kessler.*

**Brief Summary of Bill**

- *Prohibits an employer from discharging or discriminating against a volunteer fire fighter because of leave taken related to a fire alarm or emergency call.*

**Hearing Date:** *2/6/01*

**Staff:** *Jill Reinmuth (786-7134).*

**Background:**

*In Washington, the general rule is that employment is "terminable at-will". In other words, an employer may discharge an employee at any time without cause, and an employee may quit employment at any time without cause. Similarly, an employer may take other employment action that he or she deems appropriate.*

*Wrongful Discharge: Exceptions to the general rule that employment is "terminable at-will" have been enacted by Congress and the Legislature, and recognized by Washington courts. For example, an employer may not discharge an employee for exercising rights under certain state and federal laws (e.g., the federal Family and Medical Leave Act and the state Minimum Wage Act). An employer also may not discharge an employee because he or she is a member of a protected class under the Washington Law Against Discrimination or other anti-discrimination laws. An employer may be liable for wrongful discharge for terminating an employee because he or she refused to commit an illegal act or because he or she performed a public duty.*

*Wrongful Disciplinary Action: Exceptions to the general rule that an employer may take*

*other employment action that he or she deems appropriate also have been enacted by Congress and the Legislature. For example, an employer may not use the taking of FMLA-leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions. An employer also may not discriminate against a person in compensation or in other terms or conditions of employment because he or she is a member of a protected class under anti-discrimination laws.*

***Summary of Bill:***

*An employer is prohibited from discharging or discriminating against a volunteer fire fighter because of leave taken to respond to, work at, or return from a fire alarm, emergency call, or law enforcement duties. An employer is not required to grant benefits to a volunteer fire fighter while he or she is on leave. The taking of leave must not result in the loss of any accrued benefits.*

*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.*

*A volunteer fire fighter who is discharged or subject to discrimination may bring an action against his or her employer for actual damages or \$1,000, whichever is greater, together with attorneys' fees and costs.*

***Rules Authority:*** *The bill does not contain provisions addressing the rule-making powers of an agency.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not requested.*

***Effective Date:*** *Ninety days after adjournment of session in which bill is passed.*