

HOUSE BILL REPORT

HB 2642

As Passed House:

February 14, 2002

Title: An act relating to notifying employers of volunteer fire fighter service.

Brief Description: Requiring volunteer fire fighters to notify their employers of their volunteer service.

Sponsors: By Representatives Hurst and Haigh.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/02 [DP].

Floor Activity:

Passed House: 2/14/02, 98-0.

Brief Summary of Bill

- Bars a volunteer fire fighter from filing a complaint or bringing an action for wrongful discharge or discipline because of leave taken related to a fire or an emergency unless the volunteer fire fighter notified his or her employer of his or her volunteer service.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Clements, Ranking Minority Member; Chandler, Kenney, Lysen and McMorris.

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. Exceptions to these general rules have been enacted by Congress and the Legislature and recognized by

Washington courts.

One exception recently enacted by the Legislature involves volunteer fire fighters. This exception prohibits an employer of 20 or more employees from discharging or disciplining a volunteer fire fighter because of leave related to a fire or an emergency. A volunteer fire fighter who believes he or she was wrongly discharged or disciplined because of such leave may file a complaint with the director of the Department of Labor and Industries. In some circumstances, the volunteer fire fighter also may bring an action against his or her employer.

Summary of Bill:

A volunteer fire fighter may not file a complaint or bring an action for wrongful discharge or discipline because of leave taken related to a fire or an emergency unless he or she notified his or her employer of his or her volunteer service. The volunteer fire fighter must have given such notice within a reasonable time of accepting employment or beginning his or her volunteer service.

A technical correction is made.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill fulfills a promise made last year to fix a technical mistake that was left out of last year's bill. This bill is similar to a bill last year regarding notification for the national guard. It makes sense to allow employers this notification requirement; it is a reasonable accommodation.

Testimony Against: None.

Testified: Representative Hurst, prime sponsor; Mark Johnson, National Federation of Independent Business; and Clif Finch, Association of Washington Business.