
ENGROSSED SUBSTITUTE HOUSE BILL 1420

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Hurst, Roach, Dunshee, Lovick, Woods, Jackley, Mielke, Wood, Carrell, Cooper, Sump, Hatfield, Pflug, Haigh, Conway, Reardon, Morris, Edmonds, Ruderman, O'Brien, Veloria, Poulsen, Morell, Kenney, Bush, Anderson, Cody, Santos, Rockefeller and Kessler)

Read first time . Referred to Committee on .

1 AN ACT Relating to discrimination of volunteer fire fighters; and
2 adding a new section to chapter 49.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

1 (c) If the director determines that this section was violated and
2 the employer fails to reinstate the employee or withdraw the
3 disciplinary action taken against the employee, whichever is
4 applicable, within thirty days of receipt of notice of the director's
5 determination, the volunteer fire fighter may bring an action against
6 the employer alleging a violation of this section and seeking
7 reinstatement or withdrawal of the disciplinary action.

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

12 (3) For the purposes of this section:

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

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

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

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

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

27 (i) Is not paid;

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

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

33 (4) The legislature declares that the public policies articulated
34 in this section depend on the procedures established in this section
35 and no civil or criminal action may be maintained relying on the public
36 policies articulated in this section without complying with the
37 procedures set forth in this section, and to that end all civil actions
38 and civil causes of action for such injuries and all jurisdiction of

1 the courts of this state over such causes are hereby abolished, except
2 as provided in this section.

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