
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 a volunteer fire fighter from
7 employment because of leave taken to respond to, work at, or return
8 from forest fire fighting activities directed by a federal or state
9 agency.

10 (2)(a) A volunteer fire fighter who believes he or she was
11 discharged in violation of this section may file a complaint alleging
12 the violation with the director. The complaint must be filed 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 within thirty days of
3 receipt of notice of the director's determination, the volunteer fire
4 fighter may bring an action against the employer alleging a violation
5 of this section and seeking reinstatement.

6 (d) In any action brought under this section, the superior court
7 shall have jurisdiction, for cause shown, to restrain violations under
8 this section and to order reinstatement of the employee.

9 (3) For the purposes of this section:

10 (a) "Employer" means any person who had twenty or more full-time
11 equivalent employees in the previous year;

12 (b) "Reinstatement" means reinstatement with back pay, without loss
13 of seniority or benefits, and with removal of any related adverse
14 material from the employee's personnel file, if a file is maintained by
15 the employer; and

16 (c) "Volunteer fire fighter" means a fire fighter who is not paid.

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

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