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HOUSE BILL 1420

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State of Washington

57th Legislature

2001 Regular Session

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 01/25/2001. Referred to Committee on Commerce & Labor.

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

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

4 NEW SECTION. **Sec. 1.** The legislature hereby recognizes the  
5 valuable service and dedication volunteer fire fighters provide to  
6 support our local communities. They are asked to serve our citizens  
7 and businesses, providing protection and safety services. Their  
8 dedication should be recognized, and support of their efforts should be  
9 provided.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW  
11 to read as follows:

12 (1) An employer may not discharge a volunteer fire fighter from  
13 employment or discriminate against a volunteer fire fighter in  
14 compensation or in other terms or conditions of employment because of  
15 leave taken to perform duties as a fire fighter as defined in chapter  
16 41.24 RCW.

17 (a) The taking of leave to perform duties as a volunteer fire  
18 fighter under this section shall not result in the loss of any benefit,

1 including seniority or pension rights, accrued before the date on which  
2 the leave commenced.

3 (b) Nothing in this section is to be construed to require the  
4 employer to grant benefits, including seniority or pension rights,  
5 during any period of leave.

6 (c) All policies applied during the period of leave to the  
7 classification of employees to which the employee on leave belongs  
8 shall apply to the employee on leave.

9 (2) This section applies only to a volunteer fire fighter who:

10 (a) Is not already at his or her place of employment when called to  
11 serve as a volunteer, unless the employer agrees to provide such an  
12 accommodation, or as otherwise prescribed by law; and

13 (b) Has been ordered to remain at his or her position by the  
14 commanding authority at the scene.

15 (3) A volunteer fire fighter aggrieved by a violation of this  
16 section may bring a civil action against his or her employer in  
17 superior court to recover actual damages, or one thousand dollars,  
18 whichever is greater, together with the costs of the suit and  
19 reasonable attorneys' fees. The remedy under this section is in  
20 addition to any other remedies at law or equity.

21 (4) For the purposes of this section, "performance of duty" means  
22 responding to, working at, or returning from an alarm of fire,  
23 emergency call, or law enforcement duties.

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