
SUBSTITUTE SENATE BILL 6647

State of Washington

61st Legislature

2010 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Honeyford, Swecker, and Morton)

READ FIRST TIME 02/04/10.

1 AN ACT Relating to protecting jobs of members of the civil air
2 patrol while acting in an emergency service operation; and amending RCW
3 49.12.460.

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

5 **Sec. 1.** RCW 49.12.460 and 2004 c 44 s 1 are each amended to read
6 as follows:

7 (1) An employer may not discharge from employment or discipline a
8 volunteer firefighter or reserve officer or civil air patrol member
9 because of leave taken related to an alarm of fire or an emergency call
10 or an emergency service operation.

11 (2)(a) A volunteer firefighter or reserve officer or civil air
12 patrol member who believes he or she was discharged or disciplined in
13 violation of this section may file a complaint alleging the violation
14 with the director. The volunteer firefighter or reserve officer or
15 civil air patrol member may allege a violation only by filing such a
16 complaint within ninety days of the alleged violation.

17 (b) Upon receipt of the complaint, the director must cause an
18 investigation to be made as the director deems appropriate and must

1 determine whether this section has been violated. Notice of the
2 director's determination must be sent to the complainant and the
3 employer within ninety days of receipt of the complaint.

4 (c) If the director determines that this section was violated and
5 the employer fails to reinstate the employee or withdraw the
6 disciplinary action taken against the employee, whichever is
7 applicable, within thirty days of receipt of notice of the director's
8 determination, the volunteer firefighter or reserve officer or civil
9 air patrol member may bring an action against the employer alleging a
10 violation of this section and seeking reinstatement or withdrawal of
11 the disciplinary action.

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

16 (3) For the purposes of this section:

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

20 (b) "Civil air patrol member" means a person who is a member of the
21 Washington wing of the civil air patrol.

22 (c) "Emergency service operation" means the following operations of
23 the civil air patrol:

24 (i) Search and rescue missions designated by the air force rescue
25 coordination center;

26 (ii) Disaster relief, when requested by the federal emergency
27 management agency or the department of homeland security;

28 (iii) Humanitarian services, when requested by the federal
29 emergency management agency or the department of homeland security;

30 (iv) United States air force support designated by the first air
31 force; and

32 (v) Counterdrug missions.

33 (d) "Employer" means an employer who had twenty or more full-time
34 equivalent employees in the previous year.

35 ((+e)) (e) "Reinstatement" means reinstatement with back pay,
36 without loss of seniority or benefits, and with removal of any related
37 adverse material from the employee's personnel file, if a file is
38 maintained by the employer.

1 ~~((d))~~ (f) "Withdrawal of disciplinary action" means withdrawal of
2 disciplinary action with back pay, without loss of seniority or
3 benefits, and with removal of any related adverse material from the
4 employee's personnel file, if a file is maintained by the employer.

5 ~~((e))~~ (g) "Volunteer firefighter" means a firefighter who:

6 (i) Is not paid;

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

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

12 ~~((f))~~ (h) "Reserve officer" has the meaning provided in RCW
13 41.24.010.

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

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