

SENATE BILL REPORT

SB 5384

As Reported by Senate Committee On:
Labor, Commerce & Tribal Affairs, February 11, 2021

Title: An act relating to volunteer firefighters.

Brief Description: Concerning volunteer firefighters.

Sponsors: Senators Warnick, Short and Wilson, L..

Brief History:

Committee Activity: Labor, Commerce & Tribal Affairs: 2/08/21, 2/11/21 [DPS].

Brief Summary of First Substitute Bill

- Modifies the definition of volunteer firefighter for the purposes of the Industrial Welfare Act.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Majority Report: That Substitute Senate Bill No. 5384 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun, Honeyford, Robinson, Saldaña and Schoesler.

Staff: Jarrett Sacks (786-7448)

Background: The Industrial Welfare Act (IWA) contains a number of provisions dealing with with wages, hours, and working conditions, including child labor, work apparel, and other matters. Under the IWA, an employer may not discharge from employment or discipline a volunteer firefighter because of leave taken related to an alarm of fire or an emergency call.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A volunteer firefighter may file a complaint for an alleged violation of these provisions with the Department of Labor and Industries (L&I) and L&I must investigate. If L&I determines the employer violated the provisions, a volunteer firefighter may bring an action against the employer for reinstatement or withdrawal of the disciplinary action, including back pay.

For the purposes of the IWA protections, a volunteer firefighter is a firefighter who:

- is not paid;
- is not already at their place of employment when called to serve as a volunteer, unless the employer agrees to provide such accommodation; and
- has been ordered to remain at their position by the commanding authority at the scene of the fire.

The protections under the IWA for volunteer firefighters only applies to employers with 20 or more full-time equivalent employees in the previous year.

Summary of Bill (First Substitute): The definition of volunteer firefighter is changed for the purposes of the protections under the IWA.

A volunteer firefighter is a firefighter covered under the Volunteer Firefighters' and Reserve Officers' Pension and Relief System who:

- voluntarily performs, regardless of reimbursement, any assigned or authorized duties on behalf of, or at the direction of, a firefighting or emergency response unit of a city, county, fire district, regional fire protection district, port district, or the state, including service performed under the state fire service mobilization plan; and either
- has notified their employer of their firefighter status and intent to serve as a volunteer if already at the place of employment when called to serve as a volunteer; or
- if not already at the place of employment when called to serve as a volunteer, has been ordered to remain at their position by the commanding authority at the scene of the fire.

Provisions requiring a firefighter to be unpaid and not already at their place of employment are removed.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & TRIBAL AFFAIRS COMMITTEE (First Substitute):

A volunteer firefighter may be working at the direction of a firefighting or emergency response unit of a city, county, fire district, regional fire protection district, port district, or the state, rather than only a fire protection district.

A separate requirement for a volunteer firefighter at their place of employment when called to serve as a volunteer is added. The section pertaining to state agencies is removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: During the wildfires last year, volunteer firefighters could not leave their places of employment to help fight fires because of restrictions by employers. The bill will allow volunteer firefighters to leave to fight fires. Some employers voluntarily let firefighters leave, and other employers and state agencies should as well. The bill will help attract more volunteer firefighters.

OTHER: Volunteer firefighters should be allowed to go fight fires even if they have another job. Some technical changes are needed to help the Department of Labor and Industries enforce the statute, including defining some terms.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor.

OTHER: Tammy Fellin, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: No one.