

Effective 5/14/2019

Chapter 55
Emergency Services Volunteer Employment Protection Act

Part 1
General Provisions

34-55-101 Title.

This chapter is known as "Emergency Services Volunteer Employment Protection Act."

Enacted by Chapter 126, 2019 General Session

Superseded 7/1/2024

34-55-102 Definitions.

- (1) "Emergency" means a condition in any part of this state that requires state government emergency assistance to supplement the local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, or safety in the event of a disaster, or to avoid or reduce the threat of a disaster.
- (2) "Emergency services volunteer" means:
 - (a) a volunteer firefighter as defined in Section 49-16-102;
 - (b) an individual licensed under Section 26B-4-116; or
 - (c) an individual mobilized as part of a posse comitatus.
- (3) "Employer" means a person, including the state or a political subdivision of the state, that has one or more workers employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.
- (4) "Public safety agency" means a governmental entity that provides fire protection, law enforcement, ambulance, medical, or other emergency services.

Amended by Chapter 328, 2023 General Session

Effective 7/1/2024

34-55-102 Definitions.

- (1) "Emergency" means a condition in any part of this state that requires state government emergency assistance to supplement the local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, or safety in the event of a disaster, or to avoid or reduce the threat of a disaster.
- (2) "Emergency services volunteer" means:
 - (a) a volunteer firefighter as defined in Section 49-16-102;
 - (b) an individual licensed under Section 53-2d-402; or
 - (c) an individual mobilized as part of a posse comitatus.
- (3) "Employer" means a person, including the state or a political subdivision of the state, that has one or more workers employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.
- (4) "Public safety agency" means a governmental entity that provides fire protection, law enforcement, ambulance, medical, or other emergency services.

Amended by Chapter 310, 2023 General Session

Amended by Chapter 328, 2023 General Session

Part 2

Employment Protection for Emergency Services Volunteers

34-55-201 Prohibition on termination -- Loss of compensation -- Permitted request for statement.

- (1)
 - (a) An employer may not terminate the employment of an employee solely for being an emergency services volunteer.
 - (b) An employer may not terminate the employment of an employee who is an emergency services volunteer for being absent from or late to work, if at the time the employee is absent from or late to work the employee is responding to an emergency as an emergency services volunteer.
- (2) An employer may reduce the regular pay of an employee who is an emergency services volunteer for time the employee misses work because the employee is responding to an emergency as an emergency services volunteer.
- (3) An employer may request that an employee who is an emergency services volunteer and misses time from work to respond to an emergency provide the employer with a written statement that:
 - (a) is from the supervisor or acting supervisor of the employee when the employee is in the course of performing duties as an emergency services volunteer;
 - (b) states that the employee responded to an emergency; and
 - (c) states the time and date of the employee's service as an emergency services volunteer.
- (4)
 - (a) Except as provided in Subsection (4)(b), if an employee who is an emergency services volunteer responds to an emergency as an emergency services volunteer, the employee shall make a reasonable effort to notify the employee's employer of any absence from or tardiness to work because of that response.
 - (b) If an employee is an emergency services volunteer and is a full-time employee of a public safety agency, the employee shall, before responding to an emergency, obtain permission from the employee's public safety agency employer to respond to the emergency.

Enacted by Chapter 126, 2019 General Session

34-55-202 Civil action for violation of chapter.

- (1) If an employer terminates an employee in violation of this chapter, the employee may bring a civil action against the employer within one year after the day on which the employer terminates the employee.
- (2) In a civil action described in Subsection (1), the court may order the employer to:
 - (a) reinstate the employee in the employee's former position, including any fringe benefits or seniority rights; or
 - (b) pay the employee back wages.

Enacted by Chapter 126, 2019 General Session

