

EMERGENCY SERVICES VOLUNTEER EMPLOYMENT

PROTECTION ACT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill creates the Emergency Services Volunteer Employment Protection Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an employer from terminating an employee for being an emergency services volunteer;
- ▶ permits an employer to request written verification that an employee missed work to respond to an emergency as an emergency services volunteer; and
- ▶ creates a civil cause of action for violation of the Emergency Services Volunteer Employment Protection Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-54-101, Utah Code Annotated 1953

34-54-102, Utah Code Annotated 1953



28 [34-54-201](#), Utah Code Annotated 1953

29 [34-54-202](#), Utah Code Annotated 1953

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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **34-54-101** is enacted to read:

33 **CHAPTER 54. EMERGENCY SERVICES VOLUNTEER**

34 **EMPLOYMENT PROTECTION ACT**

35 **Part 1. General Provisions**

36 **34-54-101. Title.**

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

38 Section 2. Section **34-54-102** is enacted to read:

39 **34-54-102. Definitions.**

40 (1) "Emergency" means a condition in any part of this state that requires state
 41 government emergency assistance to supplement the local efforts of the affected political
 42 subdivision to save lives and to protect property, public health, welfare, or safety in the event
 43 of a disaster, or to avoid or reduce the threat of a disaster.

44 (2) "Emergency services volunteer" means:

45 (a) a volunteer firefighter as defined in Section [49-16-102](#);

46 (b) an individual licensed under Section [26-8a-302](#); or

47 (c) an individual mobilized as part of a posse comitatus.

48 (3) "Employer" means a person, including the state or a political subdivision of the
 49 state, that has one or more workers employed in the same business, or in or about the same
 50 establishment, under any contract of hire, express or implied, oral or written.

50a **Ĥ→ (4) "Public safety agency" means a governmental entity that provides fire protection, law**
 50b **enforcement, ambulance, medical, or other emergency services. ←Ĥ**

51 Section 3. Section **34-54-201** is enacted to read:

52 **Part 2. Employment Protection for Emergency Services Volunteers**

53 **34-54-201. Prohibition on termination -- Loss of compensation -- Permitted**
 54 **request for statement.**

55 (1) (a) An employer may not terminate the employment of an employee solely for
 56 being an emergency services volunteer.

57 (b) An employer may not terminate the employment of an employee who is an
 58 emergency services volunteer for being absent from or late to work, if at the time the employee

59 is absent from or late to work the employee is responding to an emergency as an emergency
 60 services volunteer.

61 (2) An employer may reduce the regular pay of an employee who is an emergency
 62 services volunteer for time the employee misses work because the employee is responding to
 63 an emergency as an emergency services volunteer.

64 (3) An employer may request that an employee who is an emergency services volunteer
 65 and misses time from work to respond to an emergency provide the employer with a written
 66 statement that:

67 (a) is from the supervisor or acting supervisor of the employee when the employee is in
 68 the course of performing duties as an emergency services volunteer;

69 (b) states that the employee responded to an emergency; and

70 (c) states the time and date of the employee's service as an emergency services
 71 volunteer.

72 (4) ~~It~~ (a) Except as provided in Subsection (4)(b), if ~~it~~ an employee who is an
 72a emergency services volunteer responds to an emergency

73 as an emergency services volunteer, the employee shall make a reasonable effort to notify the
 74 employee's employer of any absence from or tardiness to work because of that response.

74a ~~It~~ (b) If an employee is an emergency services volunteer and is a full-time employee of a
 74b public safety agency, the employee shall, before responding to an emergency, obtain permission
 74c from the employee's public safety agency employer to respond to the emergency. ~~It~~

75 Section 4. Section 34-54-202 is enacted to read:

76 **34-54-202. Civil action for violation of chapter.**

77 (1) If an employer terminates an employee in violation of this chapter, the employee
 78 may bring a civil action against the employer within one year after the day on which the
 79 employer terminates the employee.

80 (2) In a civil action described in Subsection (1), the court may order the employer to:

81 (a) reinstate the employee in the employee's former position, including any fringe
 82 benefits or seniority rights; or

83 (b) pay the employee back wages.