

1 **EMERGENCY SERVICES VOLUNTEER EMPLOYMENT**

2 **PROTECTION ACT**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Casey Snider**

6 Senate Sponsor: Evan J. Vickers

8 **LONG TITLE**

9 **General Description:**

10 This bill creates the Emergency Services Volunteer Employment Protection Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prohibits an employer from terminating an employee for being an emergency
15 services volunteer;
- 16 ▶ permits an employer to request written verification that an employee missed work to
17 respond to an emergency as an emergency services volunteer; and
- 18 ▶ creates a civil cause of action for violation of the Emergency Services Volunteer

19 Employment Protection Act.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **34-54-101**, Utah Code Annotated 1953

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

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

CHAPTER 54. EMERGENCY SERVICES VOLUNTEER

EMPLOYMENT PROTECTION ACT

Part 1. General Provisions

34-54-101. Title.

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

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

34-54-102. 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 26-8a-302; 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.

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

Part 2. Employment Protection for Emergency Services Volunteers

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

(1) (a) An employer may not terminate the employment of an employee solely for

58 being an emergency services volunteer.

59 (b) An employer may not terminate the employment of an employee who is an
60 emergency services volunteer for being absent from or late to work, if at the time the employee
61 is absent from or late to work the employee is responding to an emergency as an emergency
62 services volunteer.

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

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

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

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

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

74 (4) (a) Except as provided in Subsection (4)(b), if an employee who is an emergency
75 services volunteer responds to an emergency as an emergency services volunteer, the employee
76 shall make a reasonable effort to notify the employee's employer of any absence from or
77 tardiness to work because of that response.

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

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

82 **34-54-202. Civil action for violation of chapter.**

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

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

87 (a) reinstate the employee in the employee's former position, including any fringe

88 benefits or seniority rights; or

89 (b) pay the employee back wages.