

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



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.

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) If an employee who is an 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.

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.