

109TH CONGRESS
1ST SESSION

H. R. 3949

To protect volunteer firefighters and emergency medical services personnel responding to national emergencies from termination or demotion in their places of employment.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2005

Mr. CASTLE (for himself, Mr. ANDREWS, Mr. WELDON of Pennsylvania, and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To protect volunteer firefighters and emergency medical services personnel responding to national emergencies from termination or demotion in their places of employment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Volunteer Firefighter
5 and EMS Personnel Job Protection Act ”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act—

8 (1) the term “volunteer firefighter” means an
9 individual who is a member in good standing of a

1 qualified volunteer fire department, as defined in
2 section 150(e) of the Internal Revenue Code of
3 1986;

4 (2) the term “volunteer emergency medical
5 services” means emergency medical services per-
6 formed on a voluntary basis for a fire department or
7 other emergency organization; and

8 (3) the terms “emergency” and “major dis-
9 aster” have the meanings given such terms in sec-
10 tion 102 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5122).

12 **SEC. 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER**
13 **FIREFIGHTERS AND EMERGENCY MEDICAL**
14 **PERSONNEL PROHIBITED.**

15 (a) **TERMINATION PROHIBITED.**—No person may be
16 terminated, demoted, or in any other manner discrimi-
17 nated against in the terms and conditions of employment
18 because the employee, when acting as a volunteer fire-
19 fighter or performing volunteer emergency medical serv-
20 ices, is absent from or late to his or her employment in
21 order to respond to an emergency or major disaster.

22 (b) **LIMITATION.**—Subsection (a) shall not apply if
23 such person is absent from his or her employment for the
24 purposes described in subsection (a) for a period of more
25 than 14 days per calendar year.

1 (c) WITHHOLDING OF PAY.—An employer may
2 charge, against the employee’s regular pay, any time that
3 an employee loses from employment because of the em-
4 ployee’s response to an emergency or major disaster in the
5 course of performing his or her duties as a volunteer fire-
6 fighter or performing volunteer emergency medical serv-
7 ices.

8 (d) CERTIFICATION.—The employer may request the
9 employee to provide the employer with a written
10 verification from the Federal Emergency Management
11 Agency official supervising the Federal response to the
12 emergency or major disaster or a local or State official
13 managing the emergency or major disaster stating that
14 the employee responded to the emergency or major dis-
15 aster in an official capacity and stating the time and dates
16 of the emergency or major disaster.

17 (e) REASONABLE NOTICE REQUIRED.—An employee
18 who may be absent from or late to his or her employment
19 in order to respond to an emergency or major disaster in
20 the course of performing his or her duties as a volunteer
21 firefighter or performing volunteer emergency medical
22 services shall make a reasonable effort to notify his or her
23 employer that he or she may be absent or late and shall
24 continue to provide such reasonable notifications over the
25 course of his or her absence.

1 **SEC. 4. RIGHT OF ACTION.**

2 (a) **RIGHT OF ACTION.**—A person who has been ter-
3 minated, demoted, or in any other manner discriminated
4 against in the terms and conditions of employment in vio-
5 lation of this Act may bring in a district court of the
6 United States of appropriate jurisdiction, a civil action
7 against his or her employer who violated this Act.

8 (b) **DAMAGES.**—The employee may seek reinstatement
9 to his or her former position, payment of back
10 wages, reinstatement of fringe benefits, and, where senior-
11 ity rights are granted, reinstatement of seniority rights.

12 (c) **LIMITATION.**—The employee must commence
13 such an action within 1 year after the date of the violation
14 of this Act.

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