

RCW 49.12.460 Volunteer firefighters, reserve officers, civil air patrol members—Employer duties—Violations—Definitions. (1) An employer may not discharge from employment or discipline:

(a) A volunteer firefighter or reserve officer because of leave taken related to an alarm of fire or an emergency call; or

(b) A civil air patrol member because of leave taken related to an emergency service operation.

(2) (a) A volunteer firefighter or reserve officer or civil air patrol member who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer firefighter or reserve officer or civil air patrol member may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer firefighter or reserve officer or civil air patrol member may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Civil air patrol member" means a person who is a member of the Washington wing of the civil air patrol.

(c) "Emergency service operation" means the following operations of the civil air patrol:

(i) Search and rescue missions designated by the air force rescue coordination center;

(ii) Disaster relief, when requested by the federal emergency management agency or the department of homeland security;

(iii) Humanitarian services, when requested by the federal emergency management agency or the department of homeland security;

(iv) United States air force support designated by the first air force; and

(v) Counterdrug missions.

(d) "Employer" means an employer who had twenty or more full-time equivalent employees in the previous year.

(e) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(f) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or

benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(g) "Volunteer firefighter" means a firefighter covered under chapter 41.24 RCW who:

(i) Voluntarily performs, regardless of reimbursement, any assigned or authorized duties on behalf of or at the direction of a firefighting or emergency response unit of a city, county, fire district, regional fire protection district, port district, or the state, including but not limited to service pursuant to RCW 43.43.960 through 43.43.975; and

(ii)(A) Has notified their employer of their firefighter status and intent to serve as a volunteer if already at the place of employment when called to serve as a volunteer; or

(B) If not already at the place of employment when called to serve as a volunteer, has been ordered to remain at their position by the commanding authority at the scene of the fire.

(h) "Reserve officer" has the meaning provided in RCW 41.24.010.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section. [2021 c 105 § 2; 2010 c 170 § 1; 2004 c 44 § 1; 2003 c 401 § 5; 2001 c 173 § 1.]

Finding—2021 c 105: "In 2020, wildfire swept across central Washington. In the aftermath, it was found that volunteer firefighters were not allowed to leave work to fight for their family homes simply because they would have been paid as wildland firefighters. The legislature finds that volunteer firefighters, even those compensated for wildland firefighting, should be allowed to leave work to protect their communities." [2021 c 105 § 1.]

Effective date—2021 c 105: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 16, 2021]." [2021 c 105 § 3.]

Findings—Purpose—Intent—Effective date—2003 c 401: See notes following RCW 49.12.187.