HOUSE BILL 2642

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State of Washington   **57th Legislature**   **2002 Regular Session**

By Representatives Hurst and Haigh

Read first time 01/23/2002. Referred to Committee on Commerce & Labor.

1   AN ACT Relating to notifying employers of volunteer fire fighter
2 service; and amending RCW 49.12.460.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4   **Sec. 1.** RCW 49.12.460 and 2001 c 173 s 1 are each amended to read
5 as follows:
6   (1) An employer may not discharge from employment or discipline a
7 volunteer fire fighter because of notice given as described in
8 subsection (4) of this section or leave taken related to an alarm of
9 fire or an emergency call.
10   (2)(a) A volunteer fire fighter who believes he or she was
11 discharged or disciplined in violation of this section may file a
12 complaint alleging the violation with the director. The volunteer fire
13 fighter may allege a violation only by filing such a complaint within
14 ninety days of the alleged violation.
15   (b) Upon receipt of the complaint, the director must cause an
16 investigation to be made as the director deems appropriate and must
17 determine whether this section has been violated. Notice of the
18 director's determination must be sent to the complainant and the
19 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 fire fighter 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) "Employer" means any person who had twenty or more full-time equivalent employees in the previous year.

(c) "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.

(d) "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.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire or emergency.

(4) A volunteer fire fighter may not file a complaint or bring an action under subsection (2) of this section unless the volunteer fire fighter notified his or her employer as to his or her volunteer service within a reasonable time of accepting employment or beginning such volunteer service.

(5) The legislature declares that the public policies articulated in this section depend on the procedures established in this section

1 and no civil or criminal action may be maintained relying on the public
2 policies articulated in this section without complying with the
3 procedures set forth in this section, and to that end all civil actions
4 and civil causes of action for such injuries and all jurisdiction of
5 the courts of this state over such causes are hereby abolished, except
6 as provided in this section.

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