

2 **ESHB 1420** - S COMM AMD

3 By Committee on Labor, Commerce & Financial Institutions

4 ADOPTED 04/06/01

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that seventy-five  
8 percent of fire fighters in the state are volunteers and that many  
9 communities would be without fire fighting services if it were not for  
10 volunteer fire fighters. Volunteer fire fighters risk their lives to  
11 protect others, providing an important public service that should be  
12 recognized and supported. Volunteer fire fighters should not have to  
13 risk their livelihoods in serving others. It is the intention of the  
14 legislature to protect volunteer fire fighters from adverse employment  
15 actions stemming from their volunteer service.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW  
17 to read as follows:

18 (1) An employer may not discharge from employment or discipline a  
19 volunteer fire fighter because of leave taken related to an alarm of  
20 fire or an emergency call.

21 (2)(a) A volunteer fire fighter who believes he or she was  
22 discharged or disciplined in violation of this section may file a  
23 complaint alleging the violation with the director. The volunteer fire  
24 fighter may allege a violation only by filing such a complaint within  
25 ninety days of the alleged violation.

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

31 (c) If the director determines that this section was violated and  
32 the employer fails to reinstate the employee or withdraw the  
33 disciplinary action taken against the employee, whichever is  
34 applicable, within thirty days of receipt of notice of the director's  
35 determination, the volunteer fire fighter may bring an action against

1 the employer alleging a violation of this section and seeking  
2 reinstatement or withdrawal of the disciplinary action.

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

7 (3) For the purposes of this section:

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

11 (b) "Employer" means any person, firm, corporation, partnership,  
12 business trust, legal representative, or other business entity that  
13 engages in any business, industry, profession, or activity in this  
14 state and employs one or more employees, and also includes the state,  
15 any state institution, state agency, political subdivision of the  
16 state, and municipal corporation or quasi-municipal corporation.

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

21 (d) "Withdrawal of disciplinary action" means withdrawal of  
22 disciplinary action with back pay, without loss of seniority or  
23 benefits, and with removal of any related adverse material from the  
24 employee's personnel file, if a file is maintained by the employer.

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

26 (i) Is not paid;

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

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

32 (4) The legislature declares that the public policies articulated  
33 in this section depend on the procedures established in this section  
34 and no civil or criminal action may be maintained relying on the public  
35 policies articulated in this section without complying with the  
36 procedures set forth in this section, and to that end all civil actions  
37 and civil causes of action for such injuries and all jurisdiction of  
38 the courts of this state over such causes are hereby abolished, except  
39 as provided in this section."

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4 On page 1, line 1 of the title, after "fighters;" strike the  
5 remainder of the title and insert "adding a new section to chapter  
6 49.12 RCW; and creating a new section."

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