
HOUSE BILL 2601

State of Washington

58th Legislature

2004 Regular Session

By Representatives Lovick, Carrell, Flannigan, Newhouse, Lantz, Ahern, Morrell, O'Brien, Kirby, Cooper, Moeller, McMahan, Haigh, Campbell, Rockefeller, Conway and Wood

Read first time 01/16/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to unlawful discharge or discipline of reserve
2 officers; 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 2003 c 401 s 5 are each amended to read
5 as follows:

6 (1) An employer may not discharge from employment or discipline a
7 volunteer fire fighter or reserve officer because of leave taken
8 related to an alarm of fire or an emergency call.

9 (2)(a) A volunteer fire fighter or reserve officer who believes he
10 or she was discharged or disciplined in violation of this section may
11 file a complaint alleging the violation with the director. The
12 volunteer fire fighter or reserve officer may allege a violation only
13 by filing such a complaint within ninety days of the alleged violation.

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

1 (c) If the director determines that this section was violated and
2 the employer fails to reinstate the employee or withdraw the
3 disciplinary action taken against the employee, whichever is
4 applicable, within thirty days of receipt of notice of the director's
5 determination, the volunteer fire fighter or reserve officer may bring
6 an action against the employer alleging a violation of this section and
7 seeking reinstatement or withdrawal of the disciplinary action.

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

12 (3) For the purposes of this section:

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

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

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

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

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

27 (i) Is not paid;

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

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

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

34 (4) The legislature declares that the public policies articulated
35 in this section depend on the procedures established in this section
36 and no civil or criminal action may be maintained relying on the public
37 policies articulated in this section without complying with the
38 procedures set forth in this section, and to that end all civil actions

1 and civil causes of action for such injuries and all jurisdiction of
2 the courts of this state over such causes are hereby abolished, except
3 as provided in this section.

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