

SECOND REGULAR SESSION

HOUSE BILL NO. 1348

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRUNS.

Read 1st time January 11, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4377L.01I

AN ACT

To amend chapter 320, RSMo, by adding thereto four new sections relating to volunteer firefighter job protection act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 320, RSMo, is amended by adding thereto four new sections, to be known as sections 320.330, 320.333, 320.336, and 320.339, to read as follows:

320.330. Sections 320.330 to 320.339 may be cited as the "Volunteer Firefighter Job Protection Act".

320.333. 1. As used in sections 320.330 to 320.339, the phrase "volunteer firefighter" means any firefighter in the service of any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or volunteer fire protection association, who receives no monetary compensation for his or her services.

2. The term "monetary compensation" includes any economic return for services and shall not include:

(1) Life insurance, sickness, health, disability, annuity, length of service, retirement, pension, and other employee-type fringe benefits;

(2) De minimus compensation to pay for fuel, minor costs related to transportation, and other minor operation costs.

320.336. 1. No public or private employer may terminate an employee for joining any fire department or fire protection district, including but not limited to any municipal,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 volunteer, rural, or subscription fire department or organization, or a volunteer fire
4 protection association, as a volunteer firefighter.

5 2. No public or private employer may terminate an employee who is a volunteer
6 firefighter because the employee, when acting as a volunteer firefighter, is absent from or
7 late to his or her employment in order to respond to an emergency prior to the time the
8 employee is to report to his or her place of employment.

9 3. An employer may charge against the employee's regular pay any time that an
10 employee who is a volunteer firefighter loses from employment because of the employee's
11 response to an emergency in the course of performing his or her duties as a volunteer
12 firefighter.

13 4. In the case of an employee who is a volunteer firefighter and who loses time from
14 his or her employment in order to respond to an emergency in the course of performing his
15 or her duties as a volunteer firefighter, the employer has the right to request the employee
16 to provide the employer with a written statement from the supervisor or acting supervisor
17 of the volunteer fire department stating that the employee responded to an emergency and
18 stating the time and date of the emergency.

19 5. An employee who is a volunteer firefighter and who may be absent from or late
20 to his or her employment in order to respond to an emergency in the course of performing
21 his or her duties as a volunteer firefighter must make a reasonable effort to notify his or
22 her employer that he or she may be absent or late.

 320.339. An employee who is terminated in violation of sections 320.330 to 320.339
2 may bring a civil action against his or her employer who violated sections 320.330 to
3 320.339. The employee may seek reinstatement to his or her former position, payment of
4 back wages, reinstatement of fringe benefits, and, where seniority rights are granted,
5 reinstatement of seniority rights. The employee must commence such an action within one
6 year after the date of the employee's termination.

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