

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1833

By: Scott

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5
6 AS INTRODUCED

7 An Act relating to volunteer firefighters; creating
8 the Volunteer Firefighter Protection Act; defining
9 terms; prohibiting public and private employers from
10 terminating employment of employee who becomes
11 volunteer firefighter; prohibiting employment
12 termination if employee is late or absent due to
13 emergency; permitting reduction in pay for missed
14 time; authorizing employer to request written
15 statement of supervisor verifying absence; requiring
16 volunteer firefighter to give reasonable notice to
17 employer; providing cause of action for violations of
18 act; outlining possible damages and awards; setting
19 statute of limitations for claims; providing for
20 codification; and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 595 of Title 18, unless there is
24 created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Volunteer
Firefighter Protection Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 596 of Title 18, unless there is
3 created a duplication in numbering, reads as follows:

4 As used in the Volunteer Firefighter Protection Act:

5 1. "Volunteer firefighter" means any firefighter in the service
6 of any fire department or Rural Fire Protection District, including
7 but not limited to any municipal, volunteer, rural, or subscription
8 fire department or organization, or charitable corporation, who
9 receives no monetary compensation for services; and

10 2. "Monetary compensation" means any economic return for
11 services, but shall not include:

12 a. life insurance, sickness, health, disability, annuity,
13 length of service, retirement, pension, or other
14 employee-type fringe benefits, or

15 b. de minimus compensation to pay for equipment,
16 clothing, fuel, minor costs related to transportation,
17 or other minor operation costs.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 597 of Title 18, unless there is
20 created a duplication in numbering, reads as follows:

21 A. No public or private employer shall terminate employment of
22 an employee for joining any fire department or Rural Fire Protection
23 District, including but not limited to any municipal volunteer,
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1 rural, or subscription fire department or organization, or a
2 charitable corporation, as a volunteer firefighter.

3 B. No public or private employer shall terminate employment of
4 an employee who is a volunteer firefighter because the employee,
5 when acting as a volunteer firefighter, is absent from or late to
6 work in order to respond to an emergency prior to the time the
7 employee is to report to work.

8 C. An employer may deduct from the regular pay of the employee
9 the amount of money that the employee would have earned during the
10 time the employee is absent from work because of responding to an
11 emergency in the course of performing the duties of a volunteer
12 firefighter.

13 D. In the case of an employee who is a volunteer firefighter
14 and who is absent from employment or late to work because of
15 responding to an emergency in the course of performing the duties of
16 a volunteer firefighter, the employer has the right to request that
17 the employee provide the employer with a written statement from the
18 supervisor or acting supervisor of the volunteer fire department
19 stating that the employee responded to an emergency and stating the
20 time and date of the emergency.

21 E. An employee who is a volunteer firefighter and who may be
22 absent from or late to work in order to respond to an emergency in
23 the course of performing the duties of a volunteer firefighter shall
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1 make a reasonable effort to notify the employer that the employee
2 may be absent or late.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 598 of Title 18, unless there is
5 created a duplication in numbering, reads as follows:

6 A. An employee who is terminated in violation of the Volunteer
7 Firefighter Protection Act may bring a civil action against the
8 employer who violated the act.

9 B. The employee may seek reinstatement of the former position,
10 payment of back wages, reinstatement of fringe benefits, and, where
11 seniority rights are granted, reinstatement of seniority rights.

12 C. The employee shall commence an action within one (1) year
13 following the date of termination.

14 SECTION 5. This act shall become effective November 1, 2015.

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