

SENATE BILL 67

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 50,
relative to employment of volunteer firefighters
who are injured in the line of duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-1-307, is amended by adding the following as a new subsection (f):

(f)

(1) An employee who is a volunteer firefighter and who is injured in the line of duty as a volunteer firefighter shall be entitled to reemployment as provided in this subsection. The injured employee who is hospitalized for, or convalescing from an illness or injury incurred in or aggravated during the performance of such duty shall, at the end of the period that is necessary for the person to recover from such injury or illness, report to the employer or submit an application for reemployment with the employer. The period of recovery may not exceed two (2) years. The reporting to the employer or application for reemployment must be within fourteen (14) days of the end of the recovery period.

(2) An employer is not required to reemploy an employee under this subsection if:

(A) The employer's circumstances have so changed as to make the reemployment impossible or unreasonable;

(B) Employment would impose an undue hardship on the employer; or

(C) The employee's employment from which the person leaves to serve as a volunteer firefighter is for a brief, nonrecurrent period and there is no reasonable expectation that such employment shall continue indefinitely or for a significant period.

(3) Unless subdivision (4) applies, then the employee shall be reemployed:

(A) In the position of employment in which the employee would have been employed if the continuous employment of such person with the employer had not been interrupted by such injury or illness, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

(B) In the position of employment in which the employee was employed on the date of the duty which led to the injury or illness, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform, only if the employee is not qualified to perform the duties of a position referred to in subdivision (3)(A) after reasonable efforts by the employer to qualify the employee.

(4) In the case of an employee who has a disability incurred in, or aggravated during, such illness or injury, and who, after reasonable efforts by the employer to accommodate the disability, is not qualified due to such disability to be employed in the position of employment in which the employee would have been employed if the continuous employment of such employee with the employer had not been interrupted by such service:

(A) In any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

(B) If not employed under subdivision (4)(A), in a position which is the nearest approximation to a position referred to in subdivision (4)(A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

(5) An employer may not discriminate in employment or take any adverse employment action against any employee claiming or exercising an entitlement under this subsection.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.