

1 H.850

2 Introduced by Representatives Hooper of Randolph, Batchelor of Derby, Elder  
3 of Starksboro, Higley of Lowell, Lefebvre of Newark, Mattos of  
4 Milton, Notte of Rutland City, Potter of Clarendon, Smith of  
5 Derby, and Toof of St. Albans Town

6 Referred to Committee on

7 Date:

8 Subject: Labor; employment practices; fair employment practices; volunteer  
9 firefighters

10 Statement of purpose of bill as introduced: This bill proposes to prohibit  
11 employers from discriminating or retaliating against employees who are absent  
12 from work while performing duties as volunteer firefighters.

13 An act relating to employment protection for volunteer firefighters

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 21 V.S.A. § 495o is added to read:

16 § 495o. VOLUNTEER FIREFIGHTERS

17 (a) As used in this section, “firefighter” shall have the same meaning as in  
18 20 V.S.A. § 3151(3).

1       (b) An employer shall not discharge, discriminate, or retaliate against an  
2       employee because the employee was absent from work to perform duty as a  
3       volunteer firefighter.

4       (c) This section shall not apply to any public safety agency or provider of  
5       emergency medical services if, as determined by the employer, the employee's  
6       absence would hinder the availability of public safety or emergency medical  
7       services.

8       (d) An employee shall notify his or her employer at the time the employee  
9       becomes a volunteer firefighter and shall provide the employer with a written  
10       statement signed by the chief of the volunteer fire department stating that the  
11       employee is a volunteer firefighter.

12       (e) Nothing in this section shall prohibit an employer from requiring an  
13       employee to provide reasonable notice that the employee is leaving work to  
14       respond to an emergency.

15       (f)(1) An employer shall not be required to compensate an employee for  
16       time that an employee is absent from employment while performing his or her  
17       duty as a volunteer firefighter.

18       (2)(A) An employer may require an employee to use any accrued time  
19       off for time that the employee is absent from work while performing his or her  
20       duty as a volunteer firefighter, provided that the employer shall compensate the  
21       employee for any accrued time off used at his or her normal hourly wage rate.

1           (B) Notwithstanding subdivision (A) of this subdivision (f)(2), an  
2           employer shall not prevent an employee from performing his or her duty as a  
3           volunteer firefighter due to a lack of accrued time off or paid leave.

4           Sec. 2. EFFECTIVE DATE

5           This act shall take effect on July 1, 2020.