

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2439

 By: Cockroft

7 AS INTRODUCED

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

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

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

22 This act shall be known and may be cited as the "Volunteer
23 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 charge against the regular pay of the
9 employee any time an employee who is a volunteer firefighter misses
10 work because the employee is responding to an emergency in the
11 course of performing the duties of a volunteer firefighter.

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

20 E. An employee who is a volunteer firefighter and who may be
21 absent from or late to work in order to respond to an emergency in
22 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, 2012.

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16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/28/2012 - DO
17 PASS.

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