STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2439 By: Cockroft

AS INTRODUCED

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

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

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

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

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

As used in the Volunteer Firefighter Protection Act:

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

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

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

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

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

A. No public or private employer shall terminate employment of an employee for joining any fire department or Rural Fire Protection District, including but not limited to any municipal volunteer,

rural, or subscription fire department or organization, or a charitable corporation, as a volunteer firefighter.

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

C. An employer may charge against the regular pay of the employee any time an employee who is a volunteer firefighter misses work because the employee is responding to an emergency in the course of performing the duties of a volunteer firefighter.

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

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

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

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

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

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

SECTION 5. This act shall become effective November 1, 2012.

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