

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2108

By: Roberts (Sean)

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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. "Emergency" means any fire that occurs when:

6 a. the area is part of a drought emergency declared by
7 proclamation by the Governor pursuant to subsection A
8 of Section 16-26 of Title 2 of the Oklahoma Statutes,
9 or

10 b. the county is under a burn ban declared by a
11 resolution of the board of county commissioners
12 pursuant to subsection B of Section 16-26 of Title 2
13 of the Oklahoma Statutes;

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

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

19 b. de minimus compensation to pay for equipment,
20 clothing, fuel, minor costs related to transportation,
21 or other minor operation costs; and

22 3. "Volunteer firefighter" means any firefighter in the service
23 of any fire department or Rural Fire Protection District, including
24 but not limited to any municipal, volunteer, rural, or subscription

1 fire department or organization, or charitable corporation, who
2 receives no monetary compensation for services.

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

6 A. No public or private employer shall terminate employment of
7 an employee for joining any fire department or Rural Fire Protection
8 District, including but not limited to any municipal volunteer,
9 rural, or subscription fire department or organization, or a
10 charitable corporation, as a volunteer firefighter.

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

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

20 D. In the case of an employee who is a volunteer firefighter
21 and who loses time from employment in order to respond to an
22 emergency in the course of performing the duties of a volunteer
23 firefighter, the employer has the right to request that the employee
24 provide the employer with a written statement from the supervisor or

1 acting supervisor of the volunteer fire department stating that the
2 employee responded to an emergency and stating the time and date of
3 the emergency.

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

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

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

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

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

20 SECTION 5. This act shall become effective November 1, 2013.

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