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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - FAIR EMPLOYMENT PRACTICES

Introduced By: Representatives Gallison, Fogarty, Marshall, Winfield, and Costantino

Date Introduced: February 05, 2015

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 57

4 RHODE ISLAND EMERGENCY VOLUNTEER LEAVE ACT

5 **28-57-1. Short title.** -- This chapter shall be known and may be cited as the "Rhode
6 Island emergency volunteer leave act."

7 **28-57-2. Definitions.** -- As used in this chapter, the following words and terms shall have
8 the following meanings:

9 (1) "Responding to an emergency" means responding to, working at the scene of, or
10 returning from a fire, rescue, emergency medical service call, hazardous materials incident, or a
11 natural or man-made disaster, where the emergency occurs during a period other than normal
12 working hours of the employee.

13 (2) "Volunteer member" means a volunteer, call, reserve, or permanent-intermittent
14 firefighter or emergency medical technician, but shall not include any person who received
15 compensation for over three hundred seventy-five (375) hours of services rendered in such
16 capacity over the preceding six (6) months.

17 **28-57-3. Emergency voluntary leave.** -- (a) No employer, except those specifically
18 exempted in § 28-57-4, shall discharge or take any other disciplinary action against any employee
19 by reason of failure of that employee to report for work at the commencement of his or her

1 regular working hours where the failure is due to his or her responding to an emergency in his or
2 her capacity as a volunteer member of a fire department or ambulance department; provided,
3 however, that the following conditions are satisfied:

4 (1) The employee has notified his or her employer in writing that the employee is a
5 volunteer member of a fire department or ambulance department within thirty (30) days of being
6 employed by the employer and being a member of the department with the notice being
7 accompanied by a copy of this chapter; and

8 (2) The employee informs his or her employer or immediate supervisor, at least three (3)
9 hours before the time that the employee was to report to employment, of the reasons for being
10 absent from employment by reason of responding to an emergency; and

11 (3) The employee submits a statement signed by the chief or officer in charge of his or
12 her fire department or ambulance department, within thirty (30) days of each absence, certifying
13 the date and time the employee responded to and returned from the emergency.

14 (b) Any employee who is terminated or against whom any disciplinary action is taken in
15 violation of the provisions of this section shall be immediately reinstated to his or her former
16 position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or
17 other benefits during any period for which such termination or other disciplinary action was in
18 effect. An action to enforce the provisions of this section shall be commenced within one year of
19 the date of the alleged violation, in the superior court within the county wherein the action
20 occurred, or wherein the employer resides or transacts business.

21 **28-57-4. Exemptions. --** The following employers shall be exempt from the provisions of
22 this chapter:

23 (1) All employers with fifteen (15) or less employees.

24 (2) After the employer has received the notice required under § 28-57-3(a)(1), the
25 employer may reject the notification from the employee on the grounds that the employee is an
26 essential employee to the employer. If the employer has rejected the notification of the employee,
27 the employer is exempt from the provisions of this chapter and the employee must promptly
28 notify the chief or other officer in charge of the volunteer department of the rejection.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prohibit an employer from terminating an employee for failing to report to
2 regularly scheduled work when the cause for such failure was due to the employee response to an
3 emergency as a volunteer firefighter or ambulance technician.

4 This act would take effect upon passage.

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