

FIRST REGULAR SESSION

# HOUSE BILL NO. 983

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SELBY AND WARD (Co-sponsors).

Read 1<sup>st</sup> time March 14, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2267L.011

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### AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to wrongful termination of certain employees.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be  
2 known as section 290.146, to read as follows:

**290.146. 1. No employer shall terminate an employee who is a volunteer firefighter  
2 for a volunteer fire protection association pursuant to sections 320.300 to 320.320, RSMo,  
3 or for a fire protection district pursuant to chapter 321, RSMo, because that employee,  
4 when acting as a volunteer firefighter, is absent from or late to the employee's employment  
5 in order to respond to an emergency prior to the time the employee is to report to work.  
6 An employer may charge any time that an employee who is a volunteer firefighter loses  
7 from employment because of the employee's response to an emergency against the  
8 employee's regular pay.**

**9 2. An employee who is a volunteer firefighter shall do all of the following:**

**10 (1) Not later than thirty days after beginning service as a volunteer firefighter,  
11 submit to the employee's employer a written notification signed by the chief of the  
12 volunteer fire protection association or fire protection district with which the employee  
13 serves;**

**14 (2) Make every effort to notify the employee's employer that the employee may  
15 report late to or be absent from work due to the employee's dispatch to an emergency;**

**16 (3) If notification of dispatch to an emergency cannot be made either due to the  
17 extreme circumstances of the emergency or the inability to contact the employer, then the  
18 employee shall submit to the employee's employer a written explanation from the chief of**

19 the volunteer fire protection association or fire protection district with which the employee  
20 serves, as to why prior notice was not given;

21 (4) At the employer's request, an employee who loses time from the employee's  
22 employment to respond to an emergency shall provide the employer with a written  
23 statement from the chief of the volunteer fire protection association or fire protection  
24 district stating that the employee responded to an emergency and listing the time of that  
25 response;

26 (5) An employee who is a member of a volunteer fire protection association or fire  
27 protection district shall notify that employee's employer when the employee's status as a  
28 volunteer firefighter changes, including when the employee's status as a volunteer  
29 firefighter is terminated; and

30 (6) If an employer purposely violates subsection 1 of this section, the employee may  
31 bring a civil action for reinstatement to the employee's former position of employment,  
32 payment of back wages, and full reinstatement of fringe benefits and seniority rights. An  
33 action to enforce this section shall be commenced within one year after the date of the  
34 violation in the circuit court of the county where the place of employment is located;

35 2. (1) Within thirty days after the effective date of this section, the state fire  
36 marshal shall notify every volunteer fire protection association and every fire protection  
37 district of the provisions contained in this section.

38 (2) Not later than thirty days after the state fire marshal provides the notification  
39 required by subdivision (1) of this subsection to the volunteer fire protection association  
40 or fire protection district, each employee who is a volunteer firefighter shall submit to the  
41 employee's employer a written notification signed by the chief of the volunteer fire  
42 protection association or fire protection district with which the employee serves, to notify  
43 the employer of the employee's status as a volunteer firefighter.