

HCS SCS SB 47 -- FIRE PROTECTION

SPONSOR: Engler (Bruns)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 9 to 0.

This substitute establishes the Volunteer Firefighter Job Protection Act which prohibits public and private employers from terminating an employee who becomes a volunteer firefighter or is a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team who is absent from or late to work due to his or her volunteer emergency service. If an employee is absent from or late to work due to his or her service as a volunteer firefighter or as a member of the emergency response teams, the employee may lose pay and may be required to provide a written verification from his or her supervisor as to the time and date of the emergency. The volunteer firefighter or emergency response member must make a reasonable effort to notify his or her employer that he or she may be absent from or late to work due to an emergency. A volunteer firefighter or emergency response member who is terminated in violation of this provision may bring a civil action within one year against his or her employer seeking reinstatement of his or her position, benefits, seniority, and back wages. If the employee prevails in the civil action, he or she is entitled to receive reasonable attorney fees and other costs associated with the civil action.

Currently, all fire protection districts, fire departments, and volunteer fire protection associations must file the name and address of the district, department, or association with the State Fire Marshal by October 13 of each year. Beginning January 1, 2008, the substitute changes the date to by March 1. The State Fire Marshal may conduct periodic reviews of the information provided on the registration forms and may deny or revoke a fire department identification number based upon the information provided.

Fire protection districts, municipal fire departments, and volunteer fire protection associations must be the sole providers of fire suppression and related activities. Only with the approval of the governing body of any district, department, or association will any other association, organization, group, or political subdivision be authorized to provide fire suppression response and related activities. However, any ambulance service or district may provide emergency medical services and nonemergency medical transport within the geographic boundaries of a fire department.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill specifies that if a volunteer firefighter responds to an emergency and he or she is late in arriving at his or her regular place of employment, he or she cannot be penalized for being late.

Testifying for the bill were Senator Engler; State Fire Marshal; and Missouri Fire Service Alliance.

OPPOSERS: Those who oppose the bill say that there are concerns about how the bill will affect ambulatory and health services.

Testifying against the bill were Metropolitan Ambulance Services Trust; and Ambulance District Association of Missouri.

OTHERS: Others testifying on the bill say the ambulance industry and firefighter interest groups need to work together to reach a compromise.

Testifying on the bill was Marty Limphiemer, St. Charles Ambulance District.