

FIRST REGULAR SESSION

HOUSE BILL NO. 392

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TOALSON REISCH.

1140H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 320.336, RSMo, and to enact in lieu thereof one new section relating to reemployment rights of Missouri Task Force One members.

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

Section A. Section 320.336, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.336, to read as follows:

320.336. 1. No public or private employer shall terminate an employee for joining any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization or any volunteer fire protection association, as a volunteer firefighter, or the Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team, or being activated to a national disaster response by the Federal Emergency Management Agency (FEMA).

2. No public or private employer shall terminate an employee who is a volunteer firefighter, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team because the employee, when acting as a volunteer firefighter, or as a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA is absent from or late to his or her employment in order to respond to an emergency before the time the employee is to report to his or her place of employment.

3. An employer may charge against the employee's regular pay any employment time lost by an employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 FEMA because of the employee's response to an emergency in the course of performing his or
19 her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance
20 Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA.

21 4. In the case of an employee who is a volunteer firefighter, or a member of Missouri-
22 1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue
23 Team, or FEMA and who loses time from his or her employment in order to respond to an
24 emergency in the course of performing his or her duties as a volunteer firefighter, or a
25 member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban
26 Search and Rescue Team, or FEMA, the employer has the right to request the employee to
27 provide the employer with a written statement from the supervisor or acting supervisor of the
28 volunteer fire department or the commander of Missouri-1 Disaster Medical Assistance Team
29 or the FEMA supervisor stating that the employee responded to an emergency and stating the
30 time and date of the emergency.

31 5. An employee who is a volunteer firefighter, or a member of Missouri-1 Disaster
32 Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or
33 FEMA and who may be absent from or late to his or her employment in order to respond to an
34 emergency in the course of performing his or her duties as a volunteer firefighter, or a
35 member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban
36 Search and Rescue Team, or FEMA shall make a reasonable effort to notify his or her
37 employer that he or she may be absent or late.

38 **6. Any member of Missouri Task Force One shall be entitled to the initial**
39 **employment rights, reemployment rights, retention in employment rights, promotion**
40 **rights, and discrimination protections provided by Title 38 of the United States Code,**
41 **the Revised Statutes of Missouri, and all amendments thereto. The attorney general**
42 **shall enforce the rights and protections contained in this subsection for members of**
43 **Missouri Task Force One.**

✓