

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 529 Session of
2007

INTRODUCED BY ORIE, REGOLA, RHOADES, MUSTO, LAVALLE, ERICKSON,
KITCHEN, MADIGAN, COSTA, FONTANA, BOSCOLA, LOGAN, PIPPY,
O'PAKE, KASUNIC, GORDNER, RAFFERTY AND WONDERLING,
MARCH 19, 2007

REFERRED TO LABOR AND INDUSTRY, MARCH 19, 2007

AN ACT

1 Amending the act of December 1, 1977 (P.L.249, No.83), entitled,
2 as amended, "An act prohibiting employers from firing
3 employees who lose time from employment in the line of duty
4 as volunteer firemen, fire police and volunteer members of
5 ambulance services and rescue squads; and providing
6 penalties," further providing for the termination or
7 discipline of volunteer firefighters; and making editorial
8 changes.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The title and sections 1, 1.1, 3, 4 and 5 of the
12 act of December 1, 1977 (P.L.249, No.83), entitled, as amended,
13 "An act prohibiting employers from firing employees who lose
14 time from employment in the line of duty as volunteer firemen,
15 fire police and volunteer members of ambulance services and
16 rescue squads; and providing penalties," amended or added
17 December 5, 1988 (P.L.1102, No.131), are amended to read:

18 AN ACT

19 Prohibiting employers from [firing] terminating, disciplining or
20 discriminating against employees who lose time from

employment in the line of duty as volunteer [firemen]
firefighters, fire police and volunteer members of ambulance
services and rescue squads; and providing penalties.

Section 1. (a) No employer shall terminate or discipline an
employee who is a volunteer [fireman] firefighter, fire police
or volunteer member of an ambulance service or rescue squad and
in the line of duty has responded to a call prior to the time
[he] the employee was due to report for work resulting in a loss
of time from [his] the employee's employment.

(b) (1) No municipal employer shall terminate or discipline
a municipal employee who is a volunteer firefighter on the
basis that the municipal employee, in the line of duty as a
volunteer firefighter, responded to a call during the workday
for an emergency occurring in the municipality where the
volunteer firefighter is employed and is also a volunteer
firefighter provided the municipal employee has notified and
proven to the municipal employer that the municipal employee
is a qualified volunteer firefighter.

(2) A municipal employee who is a volunteer firefighter
may respond to an emergency call in another municipality only
if a written mutual aid agreement exists.

(3) This subsection shall not apply to any written
mutual aid agreement between a municipality and a volunteer
fire company permitting municipal employees to respond to an
emergency during the workday that is in effect on the
effective date of this section.

Section 1.1. No employer shall discriminate against any
employee because [such] the employee has been injured in the
line of duty as a volunteer [fireman] firefighter, fire police
or volunteer member of an ambulance service or rescue squad, nor

1 shall any employer discriminate against any employee injured in
2 the line of duty as a volunteer [fireman] firefighter, fire
3 police or volunteer member of an ambulance service or rescue
4 squad who subsequently returns to work after receiving workers'
5 compensation benefits pursuant to the act of June 2, 1915
6 (P.L.736, No.338), known as "The Pennsylvania Workmen's
7 Compensation Act." The term "discriminate" shall mean to
8 discharge or to discipline in a manner inconsistent with the
9 employer's treatment of other similarly situated employees who
10 are injured in the course of their employment or related
11 activities.

12 Section 3. Any employee losing time as provided in section 1
13 shall supply [his] the employee's employer with a statement from
14 the chief executive officer of [his] the employee's volunteer
15 fire company, ambulance service or rescue squad or its
16 affiliated organization stating that [he] the employee responded
17 to a call and the time thereof.

18 Section 4. As used in this act, "line of duty" shall mean
19 going to, coming from or during fire prevention and safety
20 activities which includes fire prevention, first aid, rescue and
21 salvage, ambulance service, fire police work, assistance at
22 accidents, control of crowds both on the fire grounds and at
23 occasions of public or general assembly, animal rescue,
24 abatement of conditions due to storm, flood or general peril,
25 abatement or removal of hazards to safety and such other
26 activities as are commonly undertaken by fire companies,
27 ambulance services or rescue squads or their affiliated
28 organizations. The term "employer" includes any individual,
29 partnership, association, corporation, business trust, or any
30 person or group of persons acting directly or indirectly in the

1 interest of an employer in relation to any employee. The term
2 "discipline" shall mean the taking of any action against an
3 employee which adversely affects [his] the employee's regular
4 pay to an extent greater than permitted by section 2, [his] the
5 employee's job status or opportunity for promotion, or [his] the
6 employee's right to any benefit granted by the employer to other
7 similarly situated employees.

8 Section 5. Any employer who willfully and knowingly violates
9 the provisions of this act shall be required to revoke any
10 disciplinary action and any penalty attached thereto, or to
11 reinstate such employee to [his] the employee's former position
12 and shall be required to pay [such] the employee all lost wages
13 and benefits for the period between termination and
14 reinstatement and any reasonable attorney fees which are
15 incurred in an action to recover lost wages and benefits. Any
16 action to enforce the provisions of this act shall be commenced
17 within the period of two years within the date of violation and
18 such action shall be commenced in the court of common pleas of
19 the county in which the employer is located.

20 Section 2. This act shall take effect in 60 days.