

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 676

Session of
1977

INTRODUCED BY MESSRS. BURNS, J. L. WRIGHT, WEIDNER, WANSACZ,
McLANE, MUSTO, ZORD, WILSON, LINCOLN AND FISHER, MARCH 22,
1977

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 18, 1977

AN ACT

1 Prohibiting public employers from firing public employees who
2 lose time from employment in the line of duty as volunteer
3 firemen and providing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. No public employer shall ~~fire~~ TERMINATE a public <—
7 employee who is a volunteer fireman and in the line of duty, has
8 responded to a call prior to the time he was due to report for
9 work resulting in a loss of time from his employment.

10 Section 2. All employees of the Commonwealth of Pennsylvania
11 or any of its political subdivisions shall incur no loss of
12 salary when time is lost from employment in accordance with
13 section 1.

14 Section 3. Any public employee losing time as provided in
15 section 1 shall supply his employer with a statement from the
16 chief of his volunteer fire company stating that he responded to
17 a call and the time thereof.

1 Section 4. As used in this act, "line of duty" shall mean
2 going to, coming from or during fire prevention and safety
3 activities which includes fire prevention, first aid, rescue and
4 salvage, ambulance service, fire police work, assistance at
5 accidents, control of crowds both on the fire grounds and at
6 occasions of public or general assembly, animal rescue,
7 abatement of conditions due to storm, flood or general peril,
8 abatement or removal of hazards to safety and such other
9 activities as are commonly undertaken by fire companies and
10 their affiliated organizations. THE TERM "PUBLIC EMPLOYER" MEANS <—
11 THE COMMONWEALTH OF PENNSYLVANIA, ITS POLITICAL SUBDIVISIONS,
12 INCLUDING SCHOOL DISTRICTS AND ANY OFFICER, BOARD, COMMISSION,
13 AGENCY, AUTHORITY OR OTHER INSTRUMENTALITY THEREOF.

14 ~~Section 5. Any public employer who willfully and knowingly~~ <—
15 ~~violates the provisions of this act shall be liable to the~~
16 ~~public employee affected in the amount of his unpaid wages and~~
17 ~~in addition, an equal amount as liquidated damages. Action to~~
18 ~~recover such wages and damages may be maintained in any court of~~
19 ~~competent jurisdiction. The court in such action shall, in~~
20 ~~addition to any wages and damages, allow a reasonable attorney's~~
21 ~~fee and costs of the action to the plaintiff.~~

22 ~~Any action pursuant to the provisions of this act must be~~
23 ~~brought within two years from the date upon which the violation~~
24 ~~complained of occurs.~~

25 SECTION 5. ANY PUBLIC EMPLOYER WHO WILLFULLY AND KNOWINGLY <—
26 VIOLATES THE PROVISION OF THIS ACT SHALL BE REQUIRED TO
27 REINSTATE SUCH PUBLIC EMPLOYEE TO HIS FORMER POSITION AND SHALL
28 BE REQUIRED TO PAY SUCH EMPLOYEE ALL LOST WAGES AND BENEFITS FOR
29 THE PERIOD BETWEEN TERMINATION AND REINSTATEMENT. ANY ACTION TO
30 ENFORCE THE PROVISIONS OF THIS ACT SHALL BE COMMENCED WITHIN THE

1 PERIOD OF TWO YEARS WITHIN THE DATE OF VIOLATION AND SUCH ACTION
2 SHALL BE COMMENCED IN THE COMMONWEALTH COURT.
3 Section 6. This act shall take effect immediately.