
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1243 Session of
1999

INTRODUCED BY HERMAN, BELFANTI, DALEY, MAHER, BAKER, BELARDI,
BENNINGHOFF, CHADWICK, CIVERA, CLARK, COLAFELLA, COY, GEIST,
HARHAI, HUTCHINSON, JAMES, LAUGHLIN, LUCYK, McCALL, MELIO,
MICHLOVIC, S. MILLER, MYERS, PESCI, RAMOS, READSHAW, SAYLOR,
SERAFINI, SOLOBAY, STABACK, STEELMAN, STERN, E. Z. TAYLOR,
TRELLO, WILLIAMS, WOGAN, YOUNGBLOOD AND SCHULER,
APRIL 13, 1999

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 13, 1999

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," providing employment protection for members of
7 the Civil Air Patrol.

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

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

17 AN ACT

18 Prohibiting employers from firing employees who lose time from

1 employment in the line of duty as members of the Civil Air
2 Patrol, volunteer firemen, fire police and volunteer members
3 of ambulance services and rescue squads; and providing
4 penalties.

5 Section 1. No employer shall terminate or discipline an
6 employee who is a member of the Civil Air Patrol, a volunteer
7 fireman, fire police or volunteer member of an ambulance service
8 or rescue squad and in the line of duty has responded to a call
9 prior to the time he was due to report for work resulting in a
10 loss of time from his employment.

11 Section 1.1. No employer shall discriminate against any
12 employee because such employee has been injured in the line of
13 duty as a member of the Civil Air Patrol, a volunteer fireman,
14 fire police or volunteer member of an ambulance service or
15 rescue squad, nor shall any employer discriminate against any
16 employee injured in the line of duty as a member of the Civil
17 Air Patrol, a volunteer fireman, fire police or volunteer member
18 of an ambulance service or rescue squad who subsequently returns
19 to work after receiving workers' compensation benefits pursuant
20 to the act of June 2, 1915 (P.L.736, No.338), known as "The
21 Pennsylvania Workmen's Compensation Act." The term
22 "discriminate" shall mean to discharge or to discipline in a
23 manner inconsistent with the employer's treatment of other
24 similarly situated employees who are injured in the course of
25 their employment or related activities.

26 Section 3. Any employee losing time as provided in section 1
27 shall supply his employer with a statement from the chief
28 executive officer of his Civil Air Patrol unit, volunteer fire
29 company, ambulance service or rescue squad or its affiliated
30 organization stating that he responded to a call and the time

1 thereof.

2 Section 4. As used in this act, "line of duty" shall mean
3 going to, coming from or during fire prevention and safety
4 activities which includes fire prevention, first aid, rescue and
5 salvage, ambulance service, fire police work, assistance at
6 accidents, control of crowds both on the fire grounds and at
7 occasions of public or general assembly, animal rescue,
8 abatement of conditions due to storm, flood or general peril,
9 abatement or removal of hazards to safety and such other
10 activities as are commonly undertaken by fire companies,
11 ambulance services or rescue squads or their affiliated
12 organizations. The term shall also include any activities
13 directly related to the Civil Air Patrol. The term "employer"
14 includes any individual, partnership, association, corporation,
15 business trust, or any person or group of persons acting
16 directly or indirectly in the interest of an employer in
17 relation to any employee. The term "discipline" shall mean the
18 taking of any action against an employee which adversely affects
19 his regular pay to an extent greater than permitted by section
20 2, his job status or opportunity for promotion, or his right to
21 any benefit granted by the employer to other similarly situated
22 employees.

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