
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 540 Session of
2003

INTRODUCED BY GORDNER, SAYLOR, ARGALL, BARRAR, BASTIAN, BEBKO-JONES, BELFANTI, CAPPELLI, CASORIO, CIVERA, CORNELL, CORRIGAN, COSTA, CREIGHTON, CRUZ, DeLUCA, FEESE, FLEAGLE, GABIG, GEIST, GEORGE, GOODMAN, HARPER, HARRIS, HERMAN, HESS, HORSEY, JAMES, KELLER, KIRKLAND, KOTIK, LaGROTTA, LAUGHLIN, LEACH, LEWIS, MACKERETH, McNAUGHTON, MELIO, S. MILLER, O'NEILL, PAYNE, PETRARCA, PHILLIPS, RAYMOND, READSHAW, ROBERTS, RUFFING, SAINATO, B. SMITH, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, J. TAYLOR, WALKO, WANSACZ, WASHINGTON, WOJNAROSKI, YOUNGBLOOD AND ZUG, FEBRUARY 26, 2003

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, FEBRUARY 26, 2003

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

1 December 5, 1988 (P.L.1102, No.131), are amended to read:

2 AN ACT

3 Prohibiting employers from [firing] terminating, disciplining or
4 discriminating against employees who lose time from
5 employment in the line of duty as volunteer [firemen]
6 firefighters, fire police and volunteer members of ambulance
7 services and rescue squads; and providing penalties.

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

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

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

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

1 Section 1.1. No employer shall discriminate against any
2 employee because [such] the employee has been injured in the
3 line of duty as a volunteer [fireman] firefighter, fire police
4 or volunteer member of an ambulance service or rescue squad, nor
5 shall any employer discriminate against any employee injured in
6 the line of duty as a volunteer [fireman] firefighter, fire
7 police or volunteer member of an ambulance service or rescue
8 squad who subsequently returns to work after receiving workers'
9 compensation benefits pursuant to the act of June 2, 1915
10 (P.L.736, No.338), known as ["The Pennsylvania Workmen's] the
11 "Workers' Compensation Act." The term "discriminate" shall mean
12 to discharge or to discipline in a manner inconsistent with the
13 employer's treatment of other similarly situated employees who
14 are injured in the course of their employment or related
15 activities.

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

22 Section 4. As used in this act, "line of duty" shall mean
23 going to, coming from or during fire prevention and safety
24 activities which includes fire prevention, first aid, rescue and
25 salvage, ambulance service, fire police work, assistance at
26 accidents, control of crowds both on the fire grounds and at
27 occasions of public or general assembly, animal rescue,
28 abatement of conditions due to storm, flood or general peril,
29 abatement or removal of hazards to safety and such other
30 activities as are commonly undertaken by fire companies,

1 ambulance services or rescue squads or their affiliated
2 organizations. The term "employer" includes any individual,
3 partnership, association, corporation, business trust, or any
4 person or group of persons acting directly or indirectly in the
5 interest of an employer in relation to any employee. The term
6 "discipline" shall mean the taking of any action against an
7 employee which adversely affects [his] the employee's regular
8 pay to an extent greater than permitted by section 2, [his] the
9 employee's job status or opportunity for promotion, or [his] the
10 employee's right to any benefit granted by the employer to other
11 similarly situated employees.

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

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