

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 105 Session of
2007

INTRODUCED BY MELIO, ARGALL, BAKER, BARRAR, BELFANTI,
CALTAGIRONE, CASORIO, CAUSER, COHEN, CONKLIN, COSTA, CURRY,
DALEY, DeLUCA, FABRIZIO, FREEMAN, GEIST, GEORGE, GIBBONS,
GINGRICH, GOODMAN, GRUCELA, HARPER, HENNESSEY, HESS,
HUTCHINSON, JAMES, JOSEPHS, KING, KOTIK, MANN, MARKOSEK,
MARSHALL, MILLARD, O'NEILL, PAYNE, PETRONE, PYLE, ROAE,
SAINATO, SANTONI, SCAVELLO, SCHRODER, SIPTROTH,
McILVAINE SMITH, SOLOBAY, SONNEY, STABACK, SURRA, SWANGER,
WATSON, J. WHITE, YOUNGBLOOD AND YUDICHAK, JANUARY 30, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 30, 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," prohibiting employers from terminating,
7 disciplining or discriminating against employees who are
8 volunteer firemen, fire police or volunteer members of an
9 ambulance or rescue squad responding to an emergency or major
10 disaster.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1 of the act of December 1, 1977
14 (P.L.249, No.83), entitled, as amended, "An act prohibiting
15 employers from firing employees who lose time from employment in
16 the line of duty as volunteer firemen, fire police and volunteer
17 members of ambulance services and rescue squads; and providing
18 penalties," amended December 5, 1988 (P.L.1102, No.131), is

1 amended to read:

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

7 (b) No employer shall terminate or discipline an employee
8 who is a volunteer fireman, fire police or volunteer member of
9 an ambulance service or rescue squad and in the line of duty is
10 absent from or late to his employment in order to respond to an
11 emergency or major disaster, as declared by the President of the
12 United States or the Governor of the Commonwealth. This
13 subsection shall not apply if an employee is absent from his
14 employment for the purpose of responding to an emergency or
15 major disaster for a period of more than 14 days per calendar
16 year.

17 Section 2. The act is amended by adding a section to read:

18 Section 2.1. An employee who may be absent from or late to
19 his employment in order to respond to an emergency or major
20 disaster as declared by the President of the United States or
21 the Governor of the Commonwealth in the course of performing his
22 duties as a volunteer fireman, fire police or volunteer member
23 of an ambulance service or rescue squad shall make a reasonable
24 effort to notify the employee's employer that the employee may
25 be absent or late and shall continue to provide reasonable
26 notifications over the course of the employee's absence.

27 Section 3. Sections 3 and 4 of the act, amended December 5,
28 1988 (P.L.1102, No.131), are amended to read:

29 Section 3. (a) Any employee losing time as provided in
30 section 1 shall supply his employer with a statement from the

1 chief executive officer of his volunteer fire company, ambulance
2 service or rescue squad or its affiliated organization stating
3 that he responded to a call and the time thereof.

4 (b) If an employee loses time from employment in order to
5 respond to an emergency or major disaster, as declared by the
6 President of the United States or the Governor of the
7 Commonwealth, an employer may request the employee to provide
8 the employer with a written verification from the Federal
9 Emergency Management Agency official supervising the response to
10 the emergency or major disaster or the Pennsylvania Emergency
11 Management Agency official supervising the response to the
12 emergency or major disaster stating that the employee responded
13 to the emergency or major disaster in an official capacity and
14 stating the time and dates of the emergency or major disaster.

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

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

6 Section 4. This act shall take effect in 60 days.