

# HOUSE . . . . . No. 1793

By Representative Hall of Westford and Senator Resor, joint petition of Geoffrey D. Hall, Frederick E. Berry and another to protect volunteer firefighters from unreasonable discharge from employment. Labor and Workforce Development.

## The Commonwealth of Massachusetts

PETITION OF:

Geoffrey D. Hall  
Pamela P. Resor

Joseph Maruca

In the Year Two Thousand and Seven.

AN ACT TO PROTECT VOLUNTEER FIREFIGHTERS FROM UNREASONABLE DISCHARGE FROM EMPLOYMENT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 177B of Chapter 149 of the General Laws,  
2 as appearing in the 2002 Official Edition, is hereby amended by  
3 inserting in place thereof the following new section 177B:—  
4 Section 177B. No employer shall discharge or take any other dis-  
5 ciplinary action against any employee by reason of failure of such  
6 employee to report for work at commencement of his regular  
7 working hours where such failure is due to responding to an emer-  
8 gency in his capacity as a volunteer member of a fire department or  
9 a rescue/ambulance squad; provided, however, that no such  
10 employer shall be required to compensate any such employee for  
11 any period of his normal working hours during which for such  
12 reason he fails to report to work and at the request of an employer  
13 shall submit a statement signed by the chief of such fire department  
14 or rescue/ambulance squad certifying the date and time such  
15 employee responded to and from such emergency. Such employee  
16 shall inform his employer or immediate supervisor of the reasons for  
17 such failure.

18 As used in this section, “responding to an emergency” shall mean  
19 responding to, working at the scene of, or returning from a fire,  
20 rescue, emergency medical call, hazardous materials incident, or nat-  
21 ural disaster, or a call of a fire, rescue, emergency medical call, haz-  
22 ardous materials incident, or natural disaster, in good faith belief that  
23 such action was necessary to prevent the imminent loss of life or  
24 property, where either such fire, rescue, emergency medical call,  
25 hazardous materials incident, or natural disaster, or a call of a rescue  
26 emergency medical call, hazardous materials incident, or natural dis-  
27 aster occurs during a period other than the normal working hours of  
28 the employee. And as used in this section “volunteer member” shall  
29 mean a volunteer call, reserve, or permanent-intermittent firefighter,  
30 but shall not include any person who received compensation for over  
31 nine hundred and seventy-five hours of services rendered in such  
32 capacity over the preceding six month period.

33 Any employee who is terminated or against whom any discipli-  
34 nary action is taken in violation of the provisions of this section shall  
35 be immediately reinstated to his former position without reduction of  
36 pay, seniority or other benefits, and shall receive any lost pay or  
37 other benefits during any period for which termination or other disci-  
38 plinary action was in effect. An action to enforce the provisions of  
39 this section shall be commenced within one year of the date of the  
40 alleged violation, in superior court within the county wherein the  
41 action occurred or wherein the employer resides or transacts busi-  
42 ness.

1 SECTION 2. This act shall take effect upon its passage.