

SENATE NO. 1052

AN ACT RELATIVE TO THE EMPLOYMENT RIGHTS OF VOLUNTEER AMBULANCE SERVICE

*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. Chapter 149 of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting after section 177B the following section: -

3 “Section 177C. No employer shall discharge or take any other disciplinary action against
4 any employee be reason of failure of such employee to report to work at the commencement of
5 his regular working hours where such failure is due to his responding to an emergency in his
6 capacity as a volunteer member of an ambulance service; provided, however, that no such
7 employer shall be required to compensate any such employee for any period of his normal
8 working hours during which for some reason he fails to report for work. At the request of the
9 employer, the employee shall submit a statement signed by the head of such ambulance service
10 certifying the date and time such employee responded to and returned from such emergency.
11 Such employee shall inform his employer or immediate supervisor of the reasons for such
12 failure.”

13 As used in this section, “responding to an emergency” shall mean responding to,
14 working at the scene of, transporting to a medical facility, or returning from a medical
15 emergency or injury or a call of same, in the good faith belief that such action is necessary to
16 prevent the imminent loss of life or to maintain the quality of life, where either such call occurs
17 during a period other than the normal working hours of the employee.

18 As used in this section, “volunteer member” shall mean volunteer, call, reserve, or
19 permanent-intermittent member of such ambulance service, but shall not include any person
20 who received compensation for over nine hundred and seventy-five hours of services rendered
21 in such capacity over the preceding six month period.

22 Any employee who is terminated or against whom any disciplinary action is taken in
23 violation of the provisions of this section shall be immediately reinstated to his former position
24 without reduction in pay, seniority or other benefits, and shall receive any lost pay or other
25 benefits during any period in which such termination or other disciplinary action was in effect.
26 An action to enforce the provisions of this section shall be commenced within one year of the
27 date of the alleged violation, in the superior court within any county wherein the action occurred
28 or wherein the employer resides or transacts business.