

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING VOLUNTEER EMERGENCY SERVICE PROVIDERS
5 FROM TERMINATION BY A PUBLIC OR PRIVATE EMPLOYER UNDER CERTAIN CONDITIONS."
6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8

9 **NEW SECTION. Section 1. Termination of volunteer emergency services provider prohibited --**

10 **conditions -- definition.** (1) An agency may not terminate the employment of an employee because the
11 employee has elected to serve as a volunteer emergency services provider or joined a volunteer emergency unit
12 or organization, including but not limited to any municipal, rural, or subscription fire department.

13 (2) An employee must provide the agency with a written notification that the employee is a volunteer
14 emergency services provider.

15 (3) (a) Once written notification is provided, the agency may not terminate the employment of a volunteer
16 emergency services provider if the employee is absent or late to work and the provisions in this subsection (3)
17 are fulfilled.

18 (b) An employee who is a volunteer emergency services provider and is absent from or late to work while
19 performing volunteer emergency service duties shall notify the agency as soon as possible that the employee
20 may be absent or late because of volunteer emergency service.

21 (c) An agency may request that an employee who is a volunteer emergency service provider that is
22 absent from or late to work provide a written statement from a supervisor of the volunteer emergency service
23 organization that the employee responded to an emergency and provide the date and the time of the emergency.

24 (d) An employee may not claim regular pay for the time that the employee is absent from or late to work
25 while performing volunteer emergency service duties. If the pay was claimed, the agency may deduct that amount
26 of regular pay for the time the employee was not present at work.

27 (4) An agency shall determine whether an employee may leave work to respond to an emergency as
28 a part of the employee's volunteer emergency service.

29 (5) An employee whose employment is terminated in violation of this section may bring a civil action
30 against the agency. The employee may seek reinstatement to the employee's former position, payment of back

1 wages, reinstatement of fringe benefits, and where seniority rights are granted, reinstatement of seniority rights.
2 If the employee prevails in a civil action, the employee is entitled to an award of reasonable attorney fees and
3 costs of the action. An employee must commence an action within 1 year after the date of termination of
4 employment.

5 (6) For the purposes of this section, "volunteer emergency services provider" means a volunteer
6 firefighter as defined in 7-33-4510, a volunteer who is an enrolled member of a volunteer fire department
7 established under 7-33-4109, or a volunteer emergency medical technician as defined in 50-6-202, and who is
8 not paid full-time by the entity for which the services are performed in the local service area, in a mutual aid
9 agreement area, or in a state of disaster or emergency declared by the governor.

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11 **NEW SECTION. Section 2. Termination of volunteer emergency services provider prohibited --**

12 **conditions -- definition.** (1) An employer may not terminate the employment of an employee because the
13 employee has elected to serve as a volunteer emergency services provider or joined a volunteer emergency unit
14 or organization, including but not limited to any municipal, rural, or subscription fire department.

15 (2) An employee must provide the employer with a written notification that the employee is a volunteer
16 emergency services provider.

17 (3) (a) Once written notification is provided, the employer may not terminate the employment of a
18 volunteer emergency services provider if the employee is absent or late to work and the provisions in this
19 subsection (3) are fulfilled.

20 (b) An employee who is a volunteer emergency services provider and is absent from or late to work while
21 performing volunteer emergency service duties shall notify the employer as soon as possible that the employee
22 may be absent or late because of volunteer emergency service.

23 (c) An employer may request that an employee who is a volunteer emergency service provider that is
24 absent from or late to work provide a written statement from a supervisor of the volunteer emergency service
25 organization that the employee responded to an emergency and provide the date and the time of the emergency.

26 (d) An employee may not claim regular pay for the time that the employee is absent from or late to work
27 while performing volunteer emergency service duties. If the pay was claimed, the employer may deduct that
28 amount of regular pay for the time the employee was not present at work.

29 (4) An employer shall determine whether an employee may leave work to respond to an emergency as
30 a part of the employee's volunteer emergency service.

