

No. 1988-131

AN ACT

HB 1011

Amending the act of December 1, 1977 (P.L.249, No.83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," extending the provisions of the act to include fire police and volunteer members of ambulance services and rescue squads; and prohibiting certain other firings and penalties.

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

Section 1. The title and section 1 of the act of December 1, 1977 (P.L.249, No.83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," are amended to read:

AN ACT

Prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, *fire police and volunteer members of ambulance services and rescue squads*; and providing penalties.

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

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

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

Section 3. Sections 3 and 4 of the act are amended to read:

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

Section 4. As used in this act, "line of duty" shall mean going to, coming from or during fire prevention and safety activities which includes fire prevention, first aid, rescue and salvage, ambulance service, fire police work, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and such other activities as are commonly undertaken by fire companies **[and], ambulance services or rescue squads or their affiliated organizations.** The term "employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to any employee. ***The term "discipline" shall mean the taking of any action against an employee which adversely affects his regular pay to an extent greater than permitted by section 2, his job status or opportunity for promotion, or his right to any benefit granted by the employer to other similarly situated employees.***

Section 4. Section 5 of the act, amended November 6, 1985 (P.L.304, No.75), is amended to read:

Section 5. Any employer who willfully and knowingly violates the provisions of this act shall be required ***to revoke any disciplinary action and any penalty attached thereto, or*** to reinstate such employee to his former position and shall be required to pay such employee all lost wages and benefits for the period between termination and reinstatement and any reasonable attorney fees which are incurred in an action to recover lost wages and benefits. Any action to enforce the provisions of this act shall be commenced within the period of two years within the date of violation and such action shall be commenced in the court of common pleas of the county in which the employer is located.

Section 5. This act shall be retroactive to January 1, 1988.

Section 6. This act shall take effect immediately.

APPROVED—The 5th day of December, A. D. 1988.

ROBERT P. CASEY