

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1193

Short Title: Job Protection for Emergency Personnel.

(Public)

Sponsors: Representatives Goodwin; Rapp, Coates, and Fox.

Referred to: Occupational Safety and Health.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO
PROVIDE THAT RESCUE AND PUBLIC SAFETY PERSONNEL SHALL NOT
BE TERMINATED FOR BEING ABSENT FROM EMPLOYMENT DUE TO AN
EMERGENCY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by
adding a new section to read:

**"§ 95-28.4. Rescue and public safety personnel absent from employment due to
emergency.**

(a) No employer shall terminate an employee who is a volunteer firefighter,
rescue squad member, emergency medical technician, law enforcement officer, or a
member of an emergency management agency because that employee, when acting as a
volunteer firefighter, rescue squad member, emergency medical technician, law
enforcement officer, or a member of an emergency management agency, is absent or
late to the employee's employment in order to respond to an emergency prior to the time
the employee is to report to his or her place of employment. The employer may charge
against the employee's regular pay any time that the employee loses from employment
because of the employee's response to an emergency. The employer may request that the
employee provide the employer with a written statement from the supervisor or acting
supervisor of the volunteer fire department, rescue squad, emergency medical services
agency, law enforcement agency, or the director of the emergency management agency
stating that the employee responded to an emergency and listing the time and date of the
emergency.

(b) Any employee that is terminated in violation of this section may bring a civil
action against his or her employer. The employee may seek reinstatement to the
employee's former position, payment of back wages, reinstatement of fringe benefits,
and where seniority rights are granted, the reinstatement of seniority rights. In order to

1 recover, the employee must file this civil action within one year of the date of the
2 violation of this section.

3 **SECTION 2.** This act becomes effective May 1, 2003, and applies to
4 emergency responses on or after that date.