

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1193
Committee Substitute Favorable 4/28/03

Short Title: Job Protection for Emergency Personnel.

(Public)

Sponsors:

Referred to:

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 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 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 anytime 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 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 October 1, 2003, and applies to
4 emergency responses on or after that date.