



General Assembly

January Session, 2011

**Committee Bill No. 551**

LCO No. 3159

\* SB00551PS\_PD\_031011 \*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

**AN ACT CONCERNING VOLUNTEER FIREFIGHTERS AND  
AMBULANCE SERVICE VOLUNTEERS EMPLOYED IN THE STATE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-322b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Any active member of a volunteer fire company, as defined in  
4 section 7-314, or any emergency medical technician, as defined in  
5 section 19a-175, who is a member of an emergency medical service  
6 organization and employed between the hours of eight o'clock a.m.  
7 and five o'clock p.m. in a municipality other than the municipality in  
8 which the volunteer fire company or emergency medical service  
9 organization to which the individual belongs is located, may serve as a  
10 member of any volunteer fire company or emergency medical service  
11 organization located in the municipality where such individual is  
12 employed during such hours, subject to the provisions of this section.  
13 Nothing herein shall be construed to require any volunteer fire  
14 company or emergency medical service organization to accept the  
15 services of persons who are available for service pursuant to this  
16 section.

17 (b) [Upon the request of a volunteer fire company or an emergency  
18 medical service organization, a municipality may, by vote of its  
19 legislative body, provide that the municipality and any person, firm or  
20 corporation located within such municipality which employs ten or  
21 more persons at one location shall allow any active member of a  
22 volunteer fire company, as defined in section 7-314, or any emergency  
23 medical technician, as defined in section 19a-175, to leave his place of  
24 employment, without loss of pay, vacation time, sick leave or earned  
25 overtime accumulation, to respond to an emergency to which a  
26 volunteer fire company or emergency medical service organization of  
27 the municipality is responding, subject to such conditions and  
28 regulations as the municipality may provide by ordinance.] No  
29 employer shall (1) discharge, discipline or reduce the wages, vacation  
30 time, sick leave or earned overtime accumulation of any employee  
31 because such employee is a member in a volunteer fire company or  
32 emergency medical service organization or (2) require refusal to  
33 respond to an emergency as a condition of continued employment. The  
34 requirements of this section shall not be altered by any collective  
35 bargaining agreement.

36 (c) Any such member or technician who participates pursuant to  
37 this section shall register with the volunteer fire department or  
38 emergency medical service organization in the municipality in which  
39 such person is employed. Each volunteer fire company or emergency  
40 medical service organization shall maintain a list of individuals  
41 employed within the municipality where such volunteer fire company  
42 or emergency medical service organization is located and available to  
43 respond to an emergency between the hours of eight o'clock a.m. and  
44 five o'clock p.m.

45 (d) The services of a member of a volunteer fire company or  
46 emergency medical service organization who leaves a place of  
47 employment to respond to an emergency shall be provided in  
48 accordance with any internal operating procedures established by the  
49 volunteer fire company or emergency medical service organization.

50 (e) Any member of a volunteer fire company or emergency medical  
51 service organization who responds to an emergency pursuant to the  
52 provisions of this section shall be entitled to receive all benefits  
53 payable under the provisions of sections 7-314 and 7-314a. Such  
54 payments shall be made by the municipality in which the fire company  
55 or the emergency medical service organization of which such a fireman  
56 or technician is a member is located.

57 [(f) Any volunteer fire company or emergency medical service  
58 organization may request the municipality where such company or  
59 organization is located to enact the provisions of this section. Such a  
60 request shall be made to the chief executive officer of the municipality  
61 and shall be considered by the legislative body.]

62 Sec. 2. Section 7-322c of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective October 1, 2011*):

64 (a) No employer shall discharge, or cause to be discharged, or in any  
65 manner discriminate against any employee who is an active volunteer  
66 firefighter or member of a volunteer ambulance service or company  
67 because such employee (1) is late arriving to work or absent from work  
68 as a result of responding to a fire or ambulance call prior to [or during]  
69 the employee's regular hours of employment, or (2) leaves work in  
70 order to respond to a fire or ambulance call during the employee's  
71 regular hours of employment provided the employee obtained prior  
72 authorization from his or her employer.

73 (b) Each employee covered by this section shall:

74 (1) Not later than thirty days after July 9, 2003, or the date on which  
75 the employee is certified as a volunteer firefighter or member of a  
76 volunteer ambulance service or company, whichever is later, submit to  
77 the employer a written statement signed by the chief of the volunteer  
78 fire department or the medical director or chief administrator of the  
79 ambulance service or company, as the case may be, notifying the  
80 employer of the employee's status as a volunteer firefighter or member

81 of a volunteer ambulance service or company;

82 (2) Make every effort to notify the employer that the employee may  
83 report to work late or be absent from work in order to respond to an  
84 emergency fire or ambulance call prior to or during the employee's  
85 regular hours of employment;

86 (3) If unable to provide prior notification to the employer of a late  
87 arrival to work or an absence from work in order to respond to an  
88 emergency fire or ambulance call, submit to the employer a written  
89 statement signed by the chief of the volunteer fire department or the  
90 medical director or chief administrator of the volunteer ambulance  
91 service or company, explaining why the employee was unable to  
92 provide such prior notification;

93 (4) At the employer's request, submit a written statement from the  
94 chief of the volunteer fire department or the medical director or chief  
95 administrator of the volunteer ambulance service or company  
96 verifying that such employee responded to a fire or ambulance call and  
97 specifying the date, time and duration of such response;

98 (5) Promptly notify the employer of any change to the employee's  
99 status as a volunteer firefighter or member of a volunteer ambulance  
100 service or company, including, but not limited to, the termination of  
101 such status.

102 (c) An employee who is discharged or discriminated against in  
103 violation of this section may, not later than one year after the date of  
104 the violation, bring an action in the superior court for the judicial  
105 district where the violation is alleged to have occurred or where the  
106 employer has its principal office, for the reinstatement of the  
107 employee's previous job, payment of back wages and reestablishment  
108 of employee benefits to which the employee would have otherwise  
109 been entitled if such violation had not occurred. The court may award  
110 the prevailing party costs, together with reasonable attorney's fees to  
111 be taxed by the court.

112 (d) For purposes of this section, (1) "employer" means a person  
113 engaged in business who has employees, including the state and any  
114 of its political subdivisions, (2) "employee" means any person engaged  
115 in service to an employer in the business of the employer, and (3)  
116 "discrimination" includes, but is not limited to, taking away an  
117 employee's pay, vacation time, sick leave or earned overtime  
118 accumulation.

119 (e) Any written statement provided to an employer pursuant to  
120 subdivision (4) of subsection (b) of this section shall be maintained as  
121 confidential by the employer and shall not be further disclosed by the  
122 employer except as required by federal or state law, provided the  
123 employee is given notice prior to the disclosure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	7-322b
Sec. 2	October 1, 2011	7-322c

**PS**

*Joint Favorable C/R*

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