

AMENDMENTS TO LB 1096

(Amendments to E & R amendments, ER8171)

Introduced by Karpisek, 32.

1 1. Insert the following new sections:

2 Sec. 5. Sections 5 to 12 of this act shall be known and
3 may be cited as the Volunteer Emergency Responders Job Protection
4 Act.

5 Sec. 6. No employer shall terminate or take any other
6 disciplinary action against any employee who is a volunteer
7 emergency responder if such employee, when acting as a volunteer
8 emergency responder, is absent from or reports late to his or
9 her place of employment in order to respond to an emergency prior
10 to the time such employee is to report to his or her place of
11 employment.

12 Sec. 7. An employer may subtract from an employee's
13 earned wages any time such employee, acting as a volunteer
14 emergency responder, is away from his or her place of employment
15 because of such employee's response to an emergency.

16 Sec. 8. An employee acting as a volunteer emergency
17 responder shall make a reasonable effort to notify his or her
18 employer that he or she may be absent from or report late to his or
19 her place of employment in order to respond to an emergency.

20 Sec. 9. At an employer's request, an employee, acting
21 as a volunteer emergency responder, who is absent from or reports
22 late to his or her place of employment in order to respond to

1 an emergency shall provide his or her employer, within seven days
2 of such request, a written statement signed by the individual in
3 charge of the volunteer department or another individual authorized
4 to act for such individual that includes the following: The fact
5 that the employee responded to an emergency; the date and time of
6 the emergency; and the date and time such employee completed his or
7 her volunteer emergency activities.

8 Sec. 10. Prior to seeking protection pursuant to the
9 Volunteer Emergency Responders Job Protection Act, an employee
10 acting as a volunteer emergency responder shall provide his or
11 her employer with a written statement signed by the individual in
12 charge of the volunteer department or another individual authorized
13 to act for such individual notifying such employer that the
14 employee serves as a volunteer emergency responder. An employee
15 who is or who has served as a volunteer emergency responder
16 shall notify his or her employer when such employee's status as
17 a volunteer emergency responder changes, including termination of
18 such status.

19 Sec. 11. An employee who is terminated or against whom
20 any disciplinary action is taken in violation of the Volunteer
21 Emergency Responders Job Protection Act shall be immediately
22 reinstated to his or her former position, if wrongfully terminated,
23 without reduction of wages, seniority, or other benefits and shall
24 receive any lost wages or other benefits, if applicable, during
25 any period for which such termination or other disciplinary action
26 was in effect. An action to enforce the act may be brought by the
27 employee to recover any lost wages or other benefits, including

1 court costs and reasonable attorney's fees. An action to enforce
2 the act shall be commenced within one year after the date of
3 violation and shall be brought in the district court of the county
4 in which the place of employment is located.

5 Sec. 12. For purposes of the Volunteer Emergency
6 Responders Job Protection Act:

7 (1) Employee does not include a career firefighter or
8 law enforcement officer who is acting as a volunteer emergency
9 responder;

10 (2) Employer means any person employing ten or more
11 employees; and

12 (3) Volunteer emergency responder means a person who
13 has been approved by a governing body in Nebraska to serve
14 any volunteer fire department or volunteer first-aid, rescue,
15 ambulance, or emergency squad, or volunteer fire company,
16 association, or organization serving any city, village, or rural
17 or suburban fire protection district by providing fire protection
18 or emergency response services for the purpose of protecting life,
19 health, or property.

20 2. Renumber the remaining section accordingly.