

LEGISLATIVE BILL 1005

Approved by the Governor April 10, 2012

Introduced by Lambert, 2.

FOR AN ACT relating to the Volunteer Emergency Responders Job Protection Act; to amend sections 35-1403, 35-1406, and 35-1407, Reissue Revised Statutes of Nebraska, and section 35-1402, Revised Statutes Cumulative Supplement, 2010; to include members of state emergency response teams established under the Emergency Management Act; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 35-1402, Revised Statutes Cumulative Supplement, 2010, is amended to read:

35-1402 For purposes of the Volunteer Emergency Responders Job Protection Act:

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

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

(3) Volunteer emergency responder means:

(a) An individual who has been approved by a governing body in Nebraska to serve any volunteer fire department or volunteer first-aid, rescue, ambulance, or emergency squad, or volunteer fire company, association, or organization serving any city, village, or rural or suburban fire protection district by providing fire protection or emergency response services for the purpose of protecting life, health, or property; and

(b) An individual who is in good standing as a volunteer member of the Nebraska Wing of the Civil Air Patrol, the civilian auxiliary of the United States Air Force; ~~or-~~

(c) An individual who is a member of a state emergency response team pursuant to the Emergency Management Act.

Sec. 2. Section 35-1403, Reissue Revised Statutes of Nebraska, is amended to read:

35-1403 No employer shall terminate or take any other disciplinary action against any employee who is a volunteer emergency responder if such employee, when acting or actively deployed as a volunteer emergency responder, is absent from or reports late to his or her place of employment in order to respond to an emergency prior to the time such employee is to report to his or her place of employment.

Sec. 3. Section 35-1406, Reissue Revised Statutes of Nebraska, is amended to read:

35-1406 At an employer's request, an employee, acting as a volunteer emergency responder, who is absent from or reports late to his or her place of employment in order to respond to an emergency shall provide his or her employer, within seven days of such request, a written statement signed by the individual in charge of the ~~volunteer~~ department or another individual authorized to act for such individual that includes the following: The fact that the employee responded to an emergency; the date and time of the emergency; and the date and time such employee completed his or her volunteer emergency activities.

Sec. 4. Section 35-1407, Reissue Revised Statutes of Nebraska, is amended to read:

35-1407 Prior to seeking protection pursuant to the Volunteer Emergency Responders Job Protection Act, an employee acting as a volunteer emergency responder shall provide his or her employer with a written statement signed by the individual in charge of the ~~volunteer~~ department or another individual authorized to act for such individual notifying such employer that the employee serves as a volunteer emergency responder. An employee who is or who has served as a volunteer emergency responder shall notify his or her employer when such employee's status as a volunteer emergency responder changes, including termination of such status.

Sec. 5. Original sections 35-1403, 35-1406, and 35-1407, Reissue Revised Statutes of Nebraska, and section 35-1402, Revised Statutes Cumulative Supplement, 2010, are repealed.