

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB948

Hearing Date: February 11, 2008

Committee On: Business and Labor

Introducer(s): (Karpisek)

Title: Adopt the Volunteer Emergency Responders Job Protection Act

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

6 Yes	Senators Cornett, Lathrop, McGill, Rogert, Wallman, White
0 No	
1 Absent	Senators Chambers
0 Present, not voting	

Proponents:

Senator Russ Karpisek
Beth Bazyn Ferrell
Rocky Maas
Terry Edwards

Representing:

District 32 Wilber
Nebraska Association of County Officials
Self
Self

Opponents:

Neutral:

Representing:

Representing:

Summary of purpose and/or change:

LB 948 would create the Volunteer Emergency Responders Job Protection Act (Act). The bill would prohibit employers from disciplining or terminating volunteer emergency responders due to their absence from work or tardiness caused by responding to an emergency.

The employer may deduct pay for the time the volunteer is away from the job. The employer would also have the right to request a written statement signed by the individual in charge of the volunteer department, describing the date and time in which the volunteer was responding to an emergency.

An employee, under this act, shall make a reasonable effort to notify the employer that he or she may be absent or tardy. In order to be protected by the Act, the employee must first provide to the employer, a written statement signed by the individual in charge of volunteer department stating the employee's status as a volunteer emergency responder. The employee is also required to notify the employer when he or she is no longer serving in such capacity.

Finally, an employee, protected under the act, who is disciplined or terminated due to his participation as a volunteer, shall have a cause of action in the district court of the county in the location of the employment.

Section by Section Analysis:

Section 1: Would create the Volunteer Emergency Responders Job Protection Act.

Section 2: Would provide that an employee can't be disciplined or terminated due to tardiness or absenteeism resulting from responding to an emergency.

Section 3: Would allow employers to subtract wages for the time in which the volunteer was not at work due to an emergency response.

Section 4: Would require a reasonable effort be made by the employee to provide notification to the employer, when such employee will be tardy or absent from work.

Section 5: Would allow an employer to request a written statement from the department head certifying the employee was responding to an emergency at the time and date in question.

Section 6: Would require an employee, prior to seeking protection from the act, to provide a written statement from the department head certifying his or her status as a volunteer emergency responder.

Section 7: Would provide a cause of action in District Court, for employees who were terminated or disciplined due to their participation as a volunteer responder; and such successful claim would result in back pay, reinstatement of position and seniority, benefits, court costs and attorney's fees.

Section 8: Would provide a definition of "volunteer emergency responder".

Explanation of amendments, if any:

Committee Amendment (AM 2161) would make three changes to the bill. The first change would limit protection under the Act to those employees who respond to an emergency call prior to their shift starting. Secondly, the amendment would exempt career firefighters and law enforcement officers, who also serve as volunteer emergency responders, from protection under the Act. Finally, employers with less than 10 employees would not be subject to the Act.

Senator Abbie Cornett, Chairperson