

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 537

FINAL READING

Introduced by Giese, 17.

Read first time January 21, 2009

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to fire departments; to amend section
2 35-302, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to hours of duty of firefighters; and
4 to repeal the original section.

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

1 Section 1. Section 35-302, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 35-302 Firefighters employed in the fire departments of
4 cities having paid fire departments shall not be required to remain
5 on duty for periods of time which will aggregate in each month
6 more than an average of sixty hours per week. Each single-duty
7 shift shall consist of twenty-four consecutive hours and shall be
8 followed by an off-duty period as necessary to assure compliance
9 with the requirements of this section unless by voluntary agreement
10 between the city and the authorized collective-bargaining agent
11 or, if there is no collective-bargaining unit, the firefighter,
12 any firefighter may be permitted to work an additional period
13 of consecutive time and may return to work after less than a
14 twenty-four-hour off-duty period. Any firefighter may be assigned
15 to work less than a twenty-four-hour shift, but in such event
16 the firefighter shall not work in excess of forty hours per week
17 unless otherwise provided by voluntary agreement between the city
18 and the authorized collective-bargaining agent or, if there is
19 no collective-bargaining unit, the firefighter. No agreement under
20 this section shall allow a firefighter who is scheduled to work
21 less than a twenty-four-hour shift and who holds the rank of fire
22 chief or works as an immediate subordinate to a fire chief to
23 fill temporary vacancies created by the absence of a firefighter
24 who is assigned to work a twenty-four-hour shift and who holds a
25 rank lower than fire chief. No firefighter shall be required to

1 perform any work or service as such firefighter during any period
2 in which he or she is off duty except in cases of extraordinary
3 conflagration or emergencies or job-related court appearances.

4 Sec. 2. Original section 35-302, Reissue Revised Statutes
5 of Nebraska, is repealed.