

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1005**

Final Reading

Introduced by Lambert, 2.

Read first time January 17, 2012

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Volunteer Emergency Responders Job  
2 Protection Act; to amend sections 35-1403, 35-1406, and  
3 35-1407, Reissue Revised Statutes of Nebraska, and  
4 section 35-1402, Revised Statutes Cumulative Supplement,  
5 2010; to include members of state emergency response  
6 teams established under the Emergency Management Act; to  
7 harmonize provisions; and to repeal the original  
8 sections.

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

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

3           35-1402 For purposes of the Volunteer Emergency  
4 Responders Job Protection Act:

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

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

9           (3) Volunteer emergency responder means:

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

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

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

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

24           35-1403 No employer shall terminate or take any other  
25 disciplinary action against any employee who is a volunteer emergency

1 responder if such employee, when acting or actively deployed as a  
2 volunteer emergency responder, is absent from or reports late to his  
3 or her place of employment in order to respond to an emergency prior  
4 to the time such employee is to report to his or her place of  
5 employment.

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

8           35-1406 At an employer's request, an employee, acting as  
9 a volunteer emergency responder, who is absent from or reports late  
10 to his or her place of employment in order to respond to an emergency  
11 shall provide his or her employer, within seven days of such request,  
12 a written statement signed by the individual in charge of the  
13 ~~volunteer~~ department or another individual authorized to act for such  
14 individual that includes the following: The fact that the employee  
15 responded to an emergency; the date and time of the emergency; and  
16 the date and time such employee completed his or her volunteer  
17 emergency activities.

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

20           35-1407 Prior to seeking protection pursuant to the  
21 Volunteer Emergency Responders Job Protection Act, an employee acting  
22 as a volunteer emergency responder shall provide his or her employer  
23 with a written statement signed by the individual in charge of the  
24 ~~volunteer~~ department or another individual authorized to act for such  
25 individual notifying such employer that the employee serves as a

1 volunteer emergency responder. An employee who is or who has served  
2 as a volunteer emergency responder shall notify his or her employer  
3 when such employee's status as a volunteer emergency responder  
4 changes, including termination of such status.

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