

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 416

Introduced by Wallman, 30; Lathrop, 12; Schilz, 47; Smith, 14.

Read first time January 13, 2011

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to firefighters; to amend section 35-302, Revised
- 2 Statutes Cumulative Supplement, 2010; to clarify
- 3 provisions and change hours and schedule provisions; 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, Revised Statutes Cumulative
2 Supplement, 2010, 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~~ more
6 than an average of sixty hours per week in a calendar year. Each
7 single-duty shift shall consist of twenty-four consecutive hours and
8 shall be followed by an off-duty period as necessary to assure
9 compliance with the requirements of this section, except that unless
10 by voluntary agreement between the city and the authorized
11 collective-bargaining agent or, the firefighter if there is no
12 collective-bargaining unit, ~~the firefighter~~, any firefighter may be
13 permitted to work an additional period of consecutive time and may
14 return to work after less than a twenty-four-hour off-duty period.
15 Any firefighter may be assigned to work less than a twenty-four-hour
16 shift, but in such event the firefighter shall not work in excess of
17 forty hours per week unless otherwise provided by voluntary agreement
18 between the city and the authorized collective-bargaining agent or,
19 if there is no collective-bargaining unit, the firefighter. ~~No~~
20 ~~agreement under this section shall allow a firefighter who is~~
21 ~~scheduled to work less than a twenty four hour shift and who holds~~
22 ~~the rank of fire chief or works as an immediate subordinate to a fire~~
23 ~~chief to fill temporary vacancies created by the absence of a~~
24 ~~firefighter who is assigned to work a twenty four hour shift and who~~
25 ~~holds a rank lower than fire chief.~~ No firefighter shall be required

1 to perform any work or service as such firefighter during any period
2 in which he or she is off duty except when the fire chief requests
3 the firefighter to do so in cases of (1) extraordinary conflagration,
4 (2) ~~or~~ emergencies, (3) ~~or~~ job-related court appearances, (4) job-
5 related training, (5) maintenance of minimum staffing levels, or (6)
6 other job-related duties.

7 Sec. 2. Original section 35-302, Revised Statutes
8 Cumulative Supplement, 2010, is repealed.