(123rd General Assembly)
(Substitute House Bill Number 203)

# AN ACT

To enact section 4113.41 of the Revised Code to prohibit an employer from terminating an employee who is a volunteer firefighter or a volunteer provider of emergency medical services when that employee misses or is late to work because of an emergency to which the employee was dispatched as a volunteer firefighter or volunteer provider of emergency medical services.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 4113.41 of the Revised Code be enacted to read as follows:

Sec. 4113.41. (A) No employer shall terminate an employee who is a member of a volunteer fire department, or who is employed by a political subdivision of this state as a volunteer firefighter, or who is a volunteer provider of emergency medical services because that employee, when acting as a volunteer firefighter or a volunteer provider of emergency medical services, is absent from or late to the employee's employment in order to respond to an emergency prior to the time the employee is to report to work. An employer may charge any time that an employee who is a volunteer firefighter or a volunteer provider of emergency medical services loses from employment because of the employee's response to an emergency against the employee's regular pay.

(B) AN EMPLOYEE WHO IS A VOLUNTEER FIREFIGHTER OR VOLUNTEER PROVIDER OF EMERGENCY MEDICAL SERVICES SHALL DO ALL OF THE FOLLOWING:

(1) NOT LATER THAN THIRTY DAYS AFTER RECEIVING CERTIFICATION AS A VOLUNTEER FIREFIGHTER OR A VOLUNTEER PROVIDER OF EMERGENCY SERVICES, SUBMIT TO THE EMPLOYEE'S EMPLOYER A WRITTEN NOTIFICATION SIGNED BY THE CHIEF OF THE VOLUNTEER FIRE DEPARTMENT WITH WHICH THE EMPLOYEE SERVES, OR THE MEDICAL DIRECTOR OR CHIEF ADMINISTRATOR OF THE COOPERATING

PHYSICIAN ADVISORY BOARD OF THE EMERGENCY MEDICAL ORGANIZATION WITH WHICH THE EMPLOYEE SERVES, TO NOTIFY THE EMPLOYER OF THE EMPLOYEE'S STATUS AS A VOLUNTEER FIREFIGHTER OR VOLUNTEER PROVIDER OF EMERGENCY SERVICES;

(2) MAKE EVERY EFFORT TO NOTIFY THE EMPLOYEE'S EMPLOYER THAT THE EMPLOYEE MAY REPORT LATE TO OR BE ABSENT FROM WORK DUE TO THE EMPLOYEE'S DISPATCH TO AN EMERGENCY.

IF NOTIFICATION OF DISPATCH TO AN EMERGENCY CANNOT BE MADE EITHER DUE TO THE EXTREME CIRCUMSTANCES OF THE EMERGENCY OR THE INABILITY TO CONTACT THE EMPLOYER, THEN THE EMPLOYEE SHALL SUBMIT TO THE EMPLOYEE'S EMPLOYER A WRITTEN EXPLANATION FROM THE CHIEF OF THE VOLUNTEER FIRE DEPARTMENT WITH WHICH THE EMPLOYEE SERVES, OR THE MEDICAL DIRECTOR OR CHIEF ADMINISTRATOR OF THE COOPERATING PHYSICIAN ADVISORY BOARD OF THE EMERGENCY MEDICAL SERVICE ORGANIZATION WITH WHICH THE EMPLOYEE SERVES, as applicable, to explain why prior notice was not given.

(C) At the employer's request, an employee who loses time from the employee's employment to respond to an emergency shall provide the employer with a written statement from the chief of the volunteer fire department or the medical director or chief administrator of the cooperating physician advisory board of the emergency medical service organization, as applicable, stating that the employee responded to an emergency and listing the time of that response.

(D) An employee who is a member of a volunteer fire department, or who is employed by a political subdivision of this state as a volunteer firefighter, or who is a volunteer provider of emergency medical services shall notify that employee's employer when the employee's status as a volunteer firefighter or volunteer provider of emergency medical services changes, including when the employee's status as a volunteer firefighter or volunteer provider of emergency medical services is terminated.

(E) If an employer purposely violates division (A) of this section, the employee may bring a civil action for reinstatement to the employee's former position of employment, payment of back wages, and full reinstatement of fringe benefits and seniority rights. An action to enforce this section shall be commenced within one year after the date of the violation in the court of common pleas of the county where the place of

employment is located.

(F) As used in this section:

(1) "Emergency" means going to, attending to, or coming from a fire, hazardous or toxic materials spill and cleanup, medical emergency, or other situation that poses an imminent threat of loss of life or property to which the fire department or provider of emergency medical services has been or later could be dispatched.

(2) "Emergency medical services" and "emergency medical service organization" have the same meanings as in section 4765.01 of the Revised Code.

(3) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.

SECTION 2. (A) Within thirty days after the effective date of this act, the State Fire Marshal shall notify every volunteer fire department and every volunteer emergency medical organization of the provisions contained in this act.

(B) Not later than thirty days after the State Fire Marshal provides the notification required under division (A) of this section to the volunteer fire department or volunteer emergency medical organization with which a volunteer firefighter or volunteer provider of emergency medical services serves, each employee who is a volunteer firefighter or volunteer provider of emergency medical services serving with that department or organization shall submit to the employee's employer a written notification signed by the chief of the volunteer fire department with which the employee serves or the medical director or chief administrator of the cooperating physician advisory board of the volunteer emergency medical organization with which the employee serves, to notify the employer of the employee's status as a volunteer firefighter or volunteer provider of emergency services.

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*Speaker _____ of the House of Representatives.*

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*President _____ of the Senate.*

Passed _____, 20____

Approved _____, 20____

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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*Secretary of State.*

File No. _____ Effective Date _____