

Introduced by

1 A BILL for an Act to provide for job protections for volunteer emergency responders; and to
2 amend and reenact section 54-06-27 of the North Dakota Century Code, relating to public
3 service job protections for volunteer emergency medical responders.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. Termination of employment of volunteer emergency responder**
6 **prohibited - Limitations - Definitions - Civil action.**

7 1. As used in this section, unless the context otherwise requires:

8 a. "Disaster or emergency" means circumstances resulting in a volunteer
9 emergency responder acting in the capacity as a volunteer emergency
10 responder.

11 b. "Volunteer emergency responder" means an individual in good standing as:

12 (1) Within the definition of emergency medical services personnel or
13 emergency medical services professional under section 23-27-02 who
14 is a volunteer as that term is defined under section 23-27-04.1;

15 (2) A volunteer firefighter as that term is defined under subsection 3 of
16 section 18-04-07;

17 (3) A volunteer civilian member of the civil air patrol; or

18 (4) A volunteer emergency radio operator.

19 2. An employer may not terminate or demote an employee who is a volunteer
20 emergency responder or in any other manner discriminate against that employee in
21 the terms and conditions of employment based upon the employee being absent or
22 tardy from employment due to serving as a volunteer emergency responder in
23 responding to a disaster or emergency.

- 1 3. Subsection 2 does not apply if due to serving as a volunteer emergency responder,
2 the employee is absent or tardy from the employee's place of employment for a
3 period of more than ten regular business days in a calendar year.
- 4 4. An employee who will be absent or tardy from the employee's place of employment
5 while serving as a volunteer emergency responder in the case of a disaster or
6 emergency shall make reasonable efforts to notify the employer of that service and
7 shall continue to make those reasonable notification efforts over the course of the
8 absence.
- 9 5. An employer may request an employee to provide to the employer a written
10 verification of times and dates for instances during which the employee was absent
11 or tardy from employment due to serving as a volunteer emergency responder in
12 the case of a disaster or emergency. The provider of valid verification under this
13 subsection may include the department of emergency services, an emergency
14 medical services operation, a fire department, the North Dakota wing of the civil air
15 patrol, or other appropriate entity.
- 16 6. This section does not limit an employer from charging against an employee's
17 regular pay the time the employee is absent or tardy from employment while
18 serving as a volunteer emergency responder to a disaster or emergency.
- 19 7. An employee who is terminated, demoted, or otherwise discriminated against in
20 violation of subsection 2 may bring a civil action against the employer that violated
21 this section. The employee may seek reinstatement to the employee's former
22 position; payment of back wages; reinstatement of fringe benefits; and if seniority
23 rights are granted, the employee may seek reinstatement of seniority rights. The
24 employee shall commence an action under this section within one year after the
25 date of the employer's violation.

26 **SECTION 2. AMENDMENT.** Section 54-06-27 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **54-06-27. Emergency service volunteers - Leave.** Upon issuance of an order or
29 proclamation declaring a state of disaster or emergency pursuant to chapter 37-17.1, or a
30 declaration of at least a level II disaster by the American red cross in this or any other state, the
31 executive officer in charge of a state agency or the governing body of any political subdivision

1 may grant a leave of absence to any full-time employee of that governmental entity who is an
2 emergency medical service provider, a member of the civil air patrol, a firefighter, police officer,
3 or emergency radio operator, or who performs other services necessary in an emergency. The
4 leave of absence must be for the purpose of allowing that employee to provide voluntary
5 emergency services. A person on leave under this section is not deemed to be an employee of
6 the governmental entity for the purposes of workforce safety and insurance. The cumulative
7 leave granted under this section may not exceed ~~five~~ ten working days during any calendar
8 year. The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or
9 accrued overtime for which the employee is otherwise eligible.