

HB 1508-FN - AS INTRODUCED

2022 SESSION

22-2034

04/11

HOUSE BILL

***1508-FN***

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

SPONSORS: Rep. Deshaies, Carr. 6; Rep. Bordes, Belk. 3; Rep. M. Pearson, Rock. 34; Rep. Maggiore, Rock. 22; Rep. Wolf, Merr. 5; Rep. Allard, Merr. 21; Rep. Ham, Graf. 5

COMMITTEE: Labor, Industrial and Rehabilitative Services

---

ANALYSIS

This bill prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work was due to such employee responding to an emergency.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Section; Protective Legislation; Discrimination in the Workplace; Volunteer Firefighters  
2 and Emergency Medical Technicians. Amend RSA 275 by inserting after section 41-d the following  
3 new section:

4 275:41-e Volunteer Firefighters and Emergency Medical Technicians.

5 I. No employer shall discharge or take any other disciplinary action against any employee by  
6 reason of failure of such employee to report for work at the commencement of such employee's  
7 regular working hours where the failure is due to the employee's responding to an emergency in his  
8 or her capacity as a volunteer member of a fire department or ambulance department; provided,  
9 however, that no such employer shall be required to compensate any such employee for any period of  
10 such employee's normal working hours during which for such reason the employee fails to report for  
11 work and at the request of an employer shall submit a statement signed by the chief of such fire  
12 department or ambulance department certifying the date and time such employee responded to and  
13 returned from the emergency. Such employee shall inform his or her employer or immediate  
14 supervisor of the reasons for the failure to report.

15 II. As used in this section, "responding to an emergency" shall mean responding to, leaving  
16 work to respond to, or working at the scene of or returning from a fire, rescue, emergency medical  
17 service call, hazardous materials incident, or a natural or man-made disaster in the good faith belief  
18 that the action is necessary to prevent the imminent loss of life or property, where the emergency  
19 occurs during a period other than normal working hours of the employee. As used in this section,  
20 "volunteer member" shall mean a volunteer, call, reserve, or permanent-intermittent firefighter or  
21 emergency medical technician, but shall not include any person who received compensation for over  
22 975 hours of services rendered in such capacity over the preceding 6-month period.

23 III. Any employee who is terminated or against whom any disciplinary action is taken in  
24 violation of the provisions of this section shall be immediately reinstated to such employee's former  
25 position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or other  
26 benefits during any period for which such termination or other disciplinary action was in effect.

27 IV. An action to enforce the provisions of this section shall be commenced within one year of  
28 the date of the alleged violation, in the superior court within any county wherein the action occurred  
29 or wherein the employer resides or transacts business.

30 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1508-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☒ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work, or need to leave work, was due to such employee responding to an emergency.

The Judicial Branch states the bill would authorize an action to enforce the provisions of the new section to be commenced within one year in Superior Court. The Branch assumes the changes to the law would result in additional litigation which would require additional judicial resources, but the additional number of cases that may be filed if this bill goes into effect, if any, cannot be predicted.

The Department of Labor does not anticipate this bill would have an appreciable impact on revenues at the county or local levels. The Department indicates it is possible that the state could see an indeterminable increase in revenue due to fines assessed against employers operating in direct violation. The Department states it is unlikely that the bill would have a significant impact on state, county or local expenditures, but it is possible that there could be some costs associated with re-hiring individuals and/or restoring benefits.

The New Hampshire Municipal Association indicates municipal employees frequently serve as volunteer firefighters or EMTs in their home communities. As such, it is reasonable to assume that some indeterminable percentage of the municipal workforce would be covered by this legislation. However, the Association states it is impossible to determine the frequency with which volunteer firefighters or EMTs may be called into service prior to the start of their workday and not report to work at their regularly scheduled time or need to leave a work shift as the types of emergencies that they respond to would not be reasonably foreseeable.

It is assumed any fiscal impact would not occur until FY 2023.

**AGENCIES CONTACTED:**

Judicial Branch, Department of Labor, and New Hampshire Municipal Association