

By: Representative Fleming

To: Labor

HOUSE BILL NO. 455

1 AN ACT TO PROHIBIT AN EMPLOYER FROM TERMINATING THE
2 EMPLOYMENT OF AN EMPLOYEE WHO IS A VOLUNTEER FIREFIGHTER, RESCUE
3 SQUAD MEMBER, EMERGENCY MEDICAL TECHNICIAN, PEACE OFFICER OR A
4 MEMBER OF AN EMERGENCY MANAGEMENT AGENCY WHEN THE EMPLOYEE ACTS IN
5 ONE OF THE ABOVE CAPACITIES; TO ALLOW AN EMPLOYER TO CHARGE
6 AGAINST AN EMPLOYEE'S REGULAR PAY ANY TIME LOST BECAUSE THE
7 EMPLOYEE WAS ACTING IN ONE OF THE ABOVE CAPACITIES; TO ALLOW AN
8 EMPLOYER OF AN EMPLOYEE WHO VOLUNTEERS IN ANY OF THE ABOVE
9 CAPACITIES TO REQUEST A WRITTEN STATEMENT FROM THE SUPERVISOR OR
10 ACTING SUPERVISOR OF THE EMPLOYEE'S VOLUNTEER UNIT WHICH CONTAINS
11 THE DATE AND TIME THAT THE EMPLOYEE RESPONDED TO AN EMERGENCY; TO
12 ALLOW AN EMPLOYEE WHOSE EMPLOYMENT HAS BEEN TERMINATED IN
13 VIOLATION OF THIS ACT TO BRING A CIVIL SUIT; AND FOR RELATED
14 PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) No employer shall terminate the employment
17 of an employee who is a volunteer fire fighter, rescue squad
18 member, emergency medical technician, peace officer or a member of
19 an emergency management agency because that employee, when acting
20 as a volunteer fire fighter, rescue squad member, emergency
21 medical technician, peace officer or a member of an emergency
22 management agency, is absent or late to the employee's employment
23 in order to respond to an emergency before the time the employee
24 is to report to his or her place of employment.

25 (2) An employer may charge against the employee's regular
26 pay any time lost by an employee who is a volunteer fire fighter,
27 rescue squad member, emergency medical technician, peace officer
28 or a member of an emergency management agency because of the
29 employee's response to an emergency.

30 (3) An employer may request an employee who loses time from
31 employment to respond to an emergency to provide the employer with
32 a written statement from the supervisor or acting supervisor of
33 the volunteer fire department, rescue squad, emergency medical

34 services agency, law enforcement agency or the director of the
35 emergency management agency stating that the employee responded to
36 an emergency and listing the time and date of the emergency.

37 (4) Any employee whose employment is terminated in violation
38 of the provisions of this section may bring a civil action against
39 his or her employer. The employee may seek reinstatement to the
40 employee's former position, payment of back wages, reinstatement
41 of fringe benefits and where seniority rights are granted, the
42 reinstatement of seniority rights. In order to recover, the
43 employee shall file this action within one (1) year of the date of
44 the violation of this section.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2005.