

ASSEMBLY, No. 1263

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman SANDRA LOVE

District 4 (Camden and Gloucester)

Co-Sponsored by:

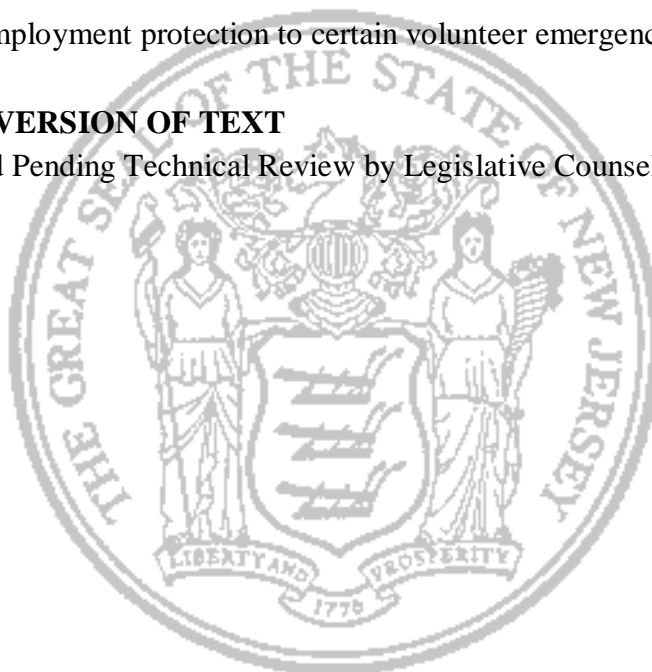
Assemblymen Albano and Scalera

SYNOPSIS

Affords employment protection to certain volunteer emergency responders.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/13/2008)

A1263 MORIARTY, BURZICHELLI

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1 AN ACT affording employment protections to volunteers responding
2 to emergency alarms in certain cases, and supplementing chapter
3 14 of Title 40A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Emergency
9 Responders Employment Protection Act.”

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11 2. a. As used in this act, “volunteer emergency responder”
12 means an active member in good standing of a volunteer fire
13 company, a volunteer member of a duly incorporated first aid,
14 rescue or ambulance squad or a member of any county or municipal
15 volunteer Office of Emergency Management, provided the
16 member’s official duties include responding to a fire or emergency
17 call.

18 b. No employer shall terminate, dismiss or suspend an
19 employee who fails to report for work at his place of employment
20 because he is serving as a volunteer emergency responder during a
21 state of emergency declared by the President of the United States or
22 the Governor of this State or is engaged in responding to an
23 emergency alarm; provided the volunteer emergency responder
24 provides his employer with (1) notice, at least one hour before he is
25 scheduled to report to his place of employment, that he is rendering
26 emergency services in response to a declared state of emergency or
27 emergency alarm; and (2) upon returning to his place of
28 employment, a copy of the incident report and a certification by the
29 incident commander, or other official or officer in charge, affirming
30 that the volunteer emergency responder was actively engaged in
31 rendering emergency services and setting forth the date and time the
32 volunteer emergency responder was relieved from emergency duty
33 by that officer or official, as the case may be. If the volunteer
34 emergency responder is actively engaged in rendering emergency
35 services for more than one consecutive work day, the incident
36 commander, or other official or officer in charge, shall direct that
37 appropriate notice be given the volunteer emergency responder’s
38 employer each day the volunteer is required to be absent from his
39 employment.

40 c. No employer shall be required to pay any employee for any
41 work time that the employee misses while serving as a volunteer
42 emergency responder pursuant to this subsection; provided,
43 however, a volunteer emergency responder may charge his absence
44 as a vacation day or a sick day, if the volunteer has such days
45 available.

46 d. The provisions of this act shall not apply to any employee
47 who, by statute or contract, is deemed an essential employee.

1 3. This act shall take effect on the first day of the third month
2 following enactment.

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STATEMENT

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7 This bill, the “Emergency Responders Employment Protection
8 Act,” would provide employment protection for volunteer
9 emergency responders who, because they are providing emergency
10 services in response to a state of emergency or an emergency alarm,
11 fail to report to work.

12 Under the provisions of the bill, employers would be prohibited
13 from terminating, dismissing or suspending an employee who fails
14 to report to work because he is engaged in providing volunteer
15 emergency services in response to a declared state of emergency or
16 an emergency alarm. This protection is available, however, only if
17 the employee provides his employer with (1) a notice, at least one
18 hour prior to the time he is scheduled to report to work, that he is
19 engaged in rendering emergency services and (2) upon returning to
20 work a copy of the official incident report and a certification from
21 the incident commander, or other official or officer in charge,
22 affirming that the employee was actively engaged in rendering
23 emergency services and setting forth the date and time the volunteer
24 emergency responder was relieved from emergency duty by that
25 officer or official.

26 The bill also provides that if an employee is actively engaged in
27 rendering volunteer emergency services for more than one
28 consecutive work day, the incident commander, or other official or
29 officer in charge, is to provide appropriate notice to the employee’s
30 employer each day the volunteer is required to be absent from his
31 employment.

32 The provisions of the bill do not require an employer to pay an
33 employee who misses work because that employee is rendering
34 emergency services. The bill does, however, permit an employee to
35 charge his absence as a vacation day or a sick day and in that way
36 be paid for the day.

37 The protections afforded under this bill apply only to volunteer
38 emergency responders whose official duties include responding to a
39 fire or emergency call. Administrative and auxiliary personnel are
40 not covered.

41 Similarly, employees who are designated as essential employees,
42 either by statute or contract, are not entitled to these protections.