

SENATE BILL No. 921

October 20, 2009, Introduced by Senator SWITALSKI and referred to the Committee on Commerce and Tourism.

A bill to grant employment protection rights to certain volunteers; to specify the conditions giving rise to those rights; to prohibit certain conduct by employers; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "emergency volunteers employment protection act".

3 Sec. 3. As used in this act:

4 (a) "Employer" means a business, individual, proprietorship,
5 firm, partnership, joint venture, syndicate, business trust, labor
6 organization, company, corporation, association, committee, or any
7 other organization or group of persons acting jointly, including a
8 state agency or a political subdivision of this state, which person
9 or entity employs 1 or more persons in this state.

10 (b) "Volunteer EMT" means an individual who is licensed under

1 the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, to
2 provide basic life support and who is an officially recognized
3 volunteer member of a medical first responder team.

4 (c) "Volunteer firefighter" means a person who is a volunteer
5 member of a fire department.

6 Sec. 5. (1) An employer shall not terminate an employee who is
7 a volunteer EMT or a volunteer firefighter because the employee,
8 when acting as a volunteer EMT or a volunteer firefighter
9 responding to an emergency, is absent from or late to his or her
10 employment.

11 (2) An employer may charge any time that the employee is
12 absent from employment because the employee was responding to an
13 emergency in the course of performing his or her duties as a
14 volunteer EMT or a volunteer firefighter against the employee's
15 regular pay.

16 (3) An employer may require an employee to provide the
17 employer with 1 or more of the following:

18 (a) A written statement from the supervisor or acting
19 supervisor of the agency for which the employee is a volunteer EMT
20 or a volunteer firefighter verifying that the employee responded to
21 an emergency and indicating the date and time of the emergency.

22 (b) Reasonable notice that the employee is responding to an
23 emergency and may be absent or late.

24 Sec. 7. (1) An employee who is disciplined or terminated by
25 his or her employer in violation of this act may bring a civil
26 action seeking equitable relief or damages against the employer for
27 1 or more of the following:

1 (a) Reinstatement to his or her former position.

2 (b) Payment of back wages.

3 (c) Reinstatement of fringe benefits.

4 (d) Reinstatement of seniority rights.

5 (2) A civil action under this section shall be brought within

6 1 year after the date of the violation.