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SENATE BILL 359

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Shirley M. Bailey

AN ACT

RELATING TO VOLUNTEER EMERGENCY RESPONSE PERSONNEL; PROTECTING
EMERGENCY RESPONSE PERSONNEL EMPLOYMENT SECURITY; PROVIDING
FOR REMEDIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. EMPLOYERS PROHIBITED FROM DISCHARGING
EMPLOYEES FOR TIME LOST AS VOLUNTEER FIREFIGHTERS-- REMEDIES. --

A. An employer shall not terminate an employee for
time lost from employment if the employee is a member of a
volunteer fire department and the time lost is the result of
the employee responding to an emergency prior to the time the
employee is due to report for work. Time lost from employment
as provided in this section may be charged against the
employee's regular pay. At the request of an employer, an
employee losing time as provided in this section shall provide

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1 the employer with a statement from the chief of the fire
2 department stating that the employee responded to an emergency
3 and giving the time of the emergency.

4 B. As used in this section, "emergency" means a
5 fire, a hazardous or toxic materials spill and cleanup or any
6 other situation to which the volunteer firefighter or the
7 volunteer firefighter's fire department is dispatched.

8 C. An employer who knowingly violates the
9 provisions of this section shall reinstate the employee to the
10 employee's former position and shall pay that employee all
11 lost wages and benefits for the period between termination and
12 reinstatement. An action to enforce the provisions of this
13 section shall be commenced within one year after the date of
14 violation in the district court of the county where the place
15 of employment is located.

16 Section 2. EMPLOYERS PROHIBITED FROM DISCHARGING
17 EMPLOYEES FOR TIME LOST AS VOLUNTEER EMERGENCY MEDICAL SERVICE
18 PERSONNEL-- REMEDIES. --

19 A. An employer shall not terminate an employee for
20 time lost from employment if the employee is a member of a
21 volunteer emergency medical service provider and the time lost
22 is the result of the employee responding to an emergency prior
23 to the time the employee is due to report for work. Time lost
24 from employment as provided in this section may be charged
25 against the employee's regular pay. At the request of an

1 employer, an employee losing time as provided in this section
2 shall provide the employer with a statement from the chief of
3 the fire department or service stating that the employee
4 responded to an emergency and giving the time of the
5 emergency.

6 B. As used in this section, "emergency" means an
7 actual medical emergency involving an imminent loss of life to
8 which a volunteer emergency medical service provider responds.

9 C. An employer who knowingly violates the
10 provisions of this section shall be required to reinstate the
11 employee to the employee's former position and shall pay that
12 employee all lost wages and benefits for the period between
13 termination and reinstatement. An action to enforce the
14 provisions of this section shall be commenced within one year
15 after the date of violation in the district court of the
16 county where the place of employment is located.

17 Section 3. TEMPORARY LEAVES OF ABSENCE FOR VOLUNTEER
18 EMERGENCY RESPONSE PERSONNEL-- REMEDIES. --

19 A. An employee who is a volunteer firefighter or
20 emergency medical service provider may take temporary leaves
21 of absence, not to exceed an aggregate of fourteen days per
22 calendar year, for the purpose of engaging in fire or
23 emergency medical service training.

24 B. An employee who is discharged, threatened with
25 discharge, demoted, suspended or in any other manner

1 discriminated against in the terms and conditions of
2 employment by an employer because the employee has taken time
3 off to engage in fire or emergency medical service training is
4 entitled to reinstatement and reimbursement for lost wages and
5 work benefits caused by the acts of the employer. An action
6 to enforce the provisions of this section shall be commenced
7 within one year after the date of violation in the district
8 court of the county where the place of employment is located.

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