

AN ACT

RELATING TO EMPLOYMENT; PROHIBITING TERMINATION OF EMPLOYMENT
OF VOLUNTEER EMERGENCY RESPONDERS; PROVIDING A CAUSE OF
ACTION.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Volunteer Emergency Responder Job Protection Act".

Section 2. DEFINITIONS.--As used in the Volunteer
Emergency Responder Job Protection Act:

A. "emergency or disaster" means an event so
declared by the governor or president of the United States;
and

B. "volunteer emergency responder" means a person
who is a member in good standing of a volunteer fire
department, an emergency medical service, a search and rescue
team or a law enforcement agency or who is enrolled by the
state or a political subdivision of the state for response to
an emergency or disaster.

Section 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER
EMERGENCY RESPONDER PROHIBITED--LIMITATION--NOTICE--
CERTIFICATION--WITHHOLDING PAY.--

A. An employee shall not be terminated, demoted or
in any other manner discriminated against in the terms and
conditions of employment because the employee, when serving as

a volunteer emergency responder, is absent from the employee's place of employment in order to respond to an emergency or disaster.

B. Subsection A of this section shall not apply if the employee, while acting as a volunteer emergency responder to an emergency or disaster, is absent from the employee's place of employment for a period of more than ten regular business days in a calendar year.

C. An employee who will be absent from the employee's place of employment while serving as a volunteer emergency responder to an emergency or disaster shall make reasonable efforts to notify the employer of that service and shall continue to make those reasonable notification efforts over the course of the absence.

D. An employer may request an employee to provide to the employer a written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder to an emergency or disaster.

E. An employer may charge against an employee's regular pay time that the employee is absent from employment while serving as a volunteer emergency responder to an emergency or disaster.

