

By Mr. Brewer of Barre, petition of Stephen M. Brewer, other members of the General Court and another relative to the employment rights of volunteer ambulance service employees. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO MEMBERS OF VOLUNTEER AMBULANCE SERVICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 149 of the General Laws, is hereby amended by
2 inserting after section 177B the following section: —

3 Section 177C. No employer shall discharge or take any other
4 disciplinary action against any employee by reason of failure of
5 such employee to report to work at the commencement of his
6 regular working hours where such failure is due to his responding
7 to an emergency in his capacity as a volunteer member of an
8 ambulance service; provided, however, that no such employer
9 shall be required to compensate any such employee for any period
10 of his normal working hours during which for such reason he fails
11 to report to work. At the request of the employer, the employee
12 shall submit a statement signed by the head of such ambulance
13 service certifying the date and time such employee responded to
14 and returned from such emergency. Such employee shall inform
15 his employer or immediate supervisor of the reasons for such
16 failure.

17 As used in this section, "responding to an emergency" shall
18 mean responding to, working at the scene of, transporting to a
19 medical facility, or returning from a medical emergency or injury
20 or a call of same, in the good faith belief that such action is neces-
21 sary to prevent the imminent loss of life or to maintain the quality
22 of life, where either such call occurs during a period other than
23 the normal working hours of the employee. As used in this
24 section, "volunteer member" shall mean a volunteer, call, reserve,

25 or permanent-intermittent member of such ambulance service, but
26 shall not include any person who received compensation for over
27 nine hundred and seventy-five hours of services rendered in such
28 capacity over the preceding six month period.

29 Any employee who is terminated or against whom any discipli-
30 nary action is taken in violation of the provisions of this section
31 shall be immediately reinstated to his former position without
32 reduction of pay, seniority or other benefits, and shall receive any
33 lost pay or other benefits during any period which such termina-
34 tion or other disciplinary action was in effect. An action to
35 enforce the provisions of this section shall be commenced within
36 one year of the date of the alleged violation, in the superior court
37 within any county wherein the action occurred or wherein the
38 employer resides or transacts business.