

**SENATE . . . . . No. 25**

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By Mr. Brewer, a petition (accompanied by bill, Senate, No. 25) of Stephen M. Brewer, Peter Martell, Bruce E Tarr and Susan C. Fargo for legislation relative to the employment rights of volunteer ambulance service employees. Commerce and Labor.

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**The Commonwealth of Massachusetts**

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

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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, as appearing in the 1994  
2 Official Edition, is hereby amended by inserting after section 177B  
3 the following section:—

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