

20105308D

HOUSE BILL NO. 1600

Offered January 15, 2020

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to leave for volunteer firefighters and volunteer emergency medical services providers.

Patron—Edmunds

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. *Employers to allow leave for volunteer firefighters and volunteer emergency medical services providers.*

A. As used in this section:

"Volunteer emergency medical services provider" means an emergency medical services provider, as defined in § 32.1-111.1, who serves for a volunteer fire department without pay.

"Volunteer fire department" means a volunteer firefighting organization that is organized pursuant to § 27-8 and whose members serve without pay.

"Volunteer firefighter" means a firefighter, as defined in § 27-42, who serves for a volunteer fire department without pay.

B. Any employee who is a volunteer firefighter or volunteer emergency medical services provider shall be entitled to leaves of absence from his employment, without loss of seniority, accrued leave, benefits, or efficiency rating, at times when the employee leaves work or is late for work due to the employee's providing emergency services as a volunteer firefighter or volunteer emergency medical services provider for or on behalf of, and within the scope of his duties with, his volunteer fire department, or is returning from providing such emergency services, provided that the absence of employees from their place of employment pursuant to this section does not reduce the number of employees remaining on the job or at work at such place of employment by 50 percent or more.

C. Any employee who takes a leave of absence pursuant to subsection B shall provide to his employer upon request (i) certification that the employee is a volunteer firefighter or volunteer emergency medical services provider; (ii) verification from the chief or deputy chief of the employee's volunteer fire department of the emergency need of the employee's service as a volunteer firefighter or volunteer emergency medical services provider; and (iii) verification from the chief or deputy chief of the employee's volunteer fire department that the employee was on a call and providing emergency services as a volunteer firefighter or volunteer emergency medical services provider for or on behalf of, and within the scope of his duties with, his volunteer fire department, or returning from providing such emergency services, during the time that the employee took such leave. If an employee fails to provide a certification or verification described in this section within a reasonable time following the employer's request therefor, the employee shall not thereafter be entitled to a leave of absence pursuant to subsection B.

D. An employer may treat any leave of absence pursuant to subsection B as unpaid leave. No employer shall require an employee to exhaust any other leave to which the employee is entitled prior to taking such a leave of absence. Nothing in this subsection shall be construed to prevent an employer from providing paid leave during such a leave of absence.

INTRODUCED

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