

VOLUNTEER JOB PROTECTION LAW AWAITS GOVERNOR'S SIGNATURE

A bill designed to protect the jobs of volunteer firefighters and EMS personnel statewide has recently passed both houses of the New York State Legislature. The Firemen's Association of the State of New York (FASNY) strongly urges Governor David A. Paterson to sign the bill, The Volunteer Job Projection Act, into law.

The bill, which now awaits the Governor's review and approval, would prohibit an employer from immediately terminating the volunteer employee solely because he or she was late or missed work due to a bona fide emergency to which they were duly dispatched.

The legislation, co-sponsored by NYS Senator Brian Foley (D - Suffolk) and NYS Assembly Member Fred Thiele (I - Suffolk), has been a key item on FASNY's legislative agenda for several years. It was authored in response to an incident in central New York involving a volunteer who was discharged based on a single instance of tardiness after responding to an emergency. Incidents of this nature potentially create a chilling effect, resulting in a decrease in the number of volunteers responding to emergencies because of a fear of job loss.

"Volunteer firefighters and EMS providers literally put their lives on the line every day to serve our state. The least we can do is make sure they don't get fired, if their volunteer duties make them late for their job," said David Jacobowitz, 1st Vice President of the Firemen's Association of the State of New York (FASNY).

Jacobowitz, who comes from the Utica area, first brought the legislation to the attention of elected officials after researching similar protections provided by eight other states including Ohio, Illinois and California. As in other states, the bill has protections for the volunteer as well as the employer.

The legislation requires verification from a commanding officer that the volunteer was duly dispatched. It also allows for absences to be charged against an employee's accrued leave, after verifying the response timeline with the employee's Chief or dispatching officer. If the employee does not have accrued time, the bill will allow for at least three hours of authorized absence in any 12-month period. In addition, a volunteer can respond to an emergency during work hours at least two times per year.

Everyone is encouraged to communicate with the Governor to show their support of the legislation. The governor can be contacted at

<http://www.state.ny.us/governor/contact/GovernorContactForm.php>

The new law would require volunteers to take every step to notify employers that he/she may be late or absent due to emergency response. It does not prohibit the employer from dismissing the volunteer who abuses this protection, and places emphasis on a stated policy clearly understood by the volunteer.