

## **Volunteer Emergency Responders Job Protection Act [35-1401 – 35-1408]**

### **35-1401. Act, how cited.**

Sections 35-1401 to 35-1408 shall be known and may be cited as the Volunteer Emergency Responders Job Protection Act.

**Source:** Laws 2008, LB1096, § 5.; Effective date July 18, 2008

### **35-1402. Terms, defined.**

For purposes of the Volunteer Emergency Responders Job Protection Act:

(1) Employee does not include a career firefighter or law enforcement officer who is acting as a volunteer emergency responder;

(2) Employer means any person employing ten or more employees; and

(3) Volunteer emergency responder means a person who has been approved by a governing body in Nebraska to serve any volunteer fire department or volunteer first-aid, rescue, ambulance, or emergency squad, or volunteer fire company, association, or organization serving any city, village, or rural or suburban fire protection district by providing fire protection or emergency response services for the purpose of protecting life, health, or property.

**Source:** Laws 2008, LB1096, § 12.; Effective date July 18, 2008

### **35-1403. Employer; prohibited acts.**

No employer shall terminate or take any other disciplinary action against any employee who is a volunteer emergency responder if such employee, when acting as a volunteer emergency responder, is absent from or reports late to his or her place of employment in order to respond to an emergency prior to the time such employee is to report to his or her place of employment.

**Source:** Laws 2008, LB1096, § 6.; Effective date July 18, 2008

### **35-1404. Employer; adjustment to wages authorized.**

An employer may subtract from an employee's earned wages any time such employee, acting as a volunteer emergency responder, is away from his or her place of employment because of such employee's response to an emergency.

**Source:** Laws 2008, LB1096, § 7.; Effective date July 18, 2008

**35-1405. Employee; duty to notify employer.**

An employee acting as a volunteer emergency responder shall make a reasonable effort to notify his or her employer that he or she may be absent from or report late to his or her place of employment in order to respond to an emergency.

**Source:** Laws 2008, LB1096, § 8.; Effective date July 18, 2008

**35-1406. Employee; provide written statement; contents.**

At an employer's request, an employee, acting as a volunteer emergency responder, who is absent from or reports late to his or her place of employment in order to respond to an emergency shall provide his or her employer, within seven days of such request, a written statement signed by the individual in charge of the volunteer department or another individual authorized to act for such individual that includes the following: The fact that the employee responded to an emergency; the date and time of the emergency; and the date and time such employee completed his or her volunteer emergency activities.

**Source:** Laws 2008, LB1096, § 9.; Effective date July 18, 2008

**35-1407. Employee; provide employer notice of status as volunteer emergency responder.**

**Prior to seeking protection pursuant to the Volunteer Emergency Responders Job Protection Act, an employee acting as a volunteer emergency responder shall provide his or her employer with a written statement signed by the individual in charge of the volunteer department or another individual authorized to act for such individual notifying such employer that the employee serves as a volunteer emergency responder. An employee who is or who has served as a volunteer emergency responder shall notify his or her employer when such employee's status as a volunteer emergency responder changes, including termination of such status.**

**Source:** Laws 2008, LB1096, § 10.; Effective date July 18, 2008

**35-1408. Wrongful termination of employment or disciplinary action; reinstatement; action to enforce act.**

An employee who is terminated or against whom any disciplinary action is taken in violation of the Volunteer Emergency Responders Job Protection Act shall be immediately reinstated to his or her former position, if wrongfully terminated, without reduction of wages, seniority, or other benefits and shall receive any lost wages or other benefits, if applicable, during any period for which such termination or other disciplinary action was in effect. An action to enforce the act may be brought by the employee to recover any lost wages

or other benefits, including court costs and reasonable attorney's fees. An action to enforce the act shall be commenced within one year after the date of violation and shall be brought in the district court of the county in which the place of employment is located.

**Source:** Laws 2008, LB1096, § 11.; Effective date July 18, 2008