

Making The System Work
**Pennsylvania Law Prohibit Employment Termination of
Volunteer Firefighters For Time Lost
Act of 1977, P.L. 249, No. 83**

There is a law on the books in Pennsylvania that prohibiting employers from firing employees who lost time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads.

We hear on a reoccurring basis of the lack of awareness of this law by many Pennsylvania employers and failure of some volunteer organizations to educate their new members about the law and the process.

This results in various bad experiences for both the volunteer and the employer and does little to resolve the issue and tends to create tension between the two.

Volunteers should inform their employers in advance of this law and when possible discuss the needs of both the employers and the volunteers, who in actuality are helping the community and perhaps helping the community keep a cap on taxes that could other wise cost an employer more than a few hours of missed work. On the other hand employers especially small ones may have limited staff and on occasion be on a tight deadline to deliver an important product or service to a customer who in fact pays the bills day in and day out. A good mutual agreement in advance is the best answer in most cases.

Some times employers who have several volunteers on their staff can agree in advance allow a cretin number to stay on a call and rest to return to work. For this consideration some employers in turn will let one or two employees leave work for first response calls and additional volunteers off for working incidents if workload allows for it. Other employers only let limited number selected by their peers or workload to respond only on working alarms.

In discussing this at several recent meetings we were advised that some Volunteer Fire Rescue Companies have prepared a preprinted form that they carry in the command vehicle or maintain in the station office. The form on Company Stationary on one side provides the employer with a copy of the law and on the other side an explanation of the occurrence. When an incident occurs prior to some members need to report for work and the member is delayed the form is properly filled out by a responsible officer and given to the volunteer to present to his supervisor on return to work.

On the following pages are a modified copy of a form one volunteer fire company is using.

We suggest you make copies of both sides and keep them available for possible need. Better yet reproduce them on your company stationary.

You can copy and paste the forms from our website www.pafireman@lcf.com

Let Us Help . . . Follow these 3 simple steps

1. Make multiple copies of Legislation on back of your letterhead or standard 8 1/2 x 11 paper at 120% setting
2. Make multiple copies of letter to employer on front of your letterhead at percentage that will fit or at 120% on 8 1/2 x 11 paper
3. File them in the command vehicle or where accessible to any officer who may be in charge on any given call.

The _____ Volunteer Fire - Rescue - EMS Company
PO Box _____, _____, PA 1_____
Pennsylvania Law Prohibit Employment Termination of Volunteer Firefighters
For Time Lost - Act of 1977, P.L. 249, No. 83

Prohibiting employers from firing employees who lost time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads; and providing penalties. (Tit. Amended Dec. 5, 1988, P.L. 1102, No. 131)

Section 1. No employer shall terminate or discipline an employee who is a volunteer fireman, fire police or volunteer member of an ambulance or rescue squad and in the line of duty has responded to a call prior to the time he was due to report for work resulting in a loss of time from his employment. (1 amended Dec. 5, 1988, P.L. 1102, No. 131).

Section 1.1. No employer shall discriminate against any employee because such employee has been injured in the line of duty as a volunteer fireman, fire police or volunteer member of an ambulance service or rescue squad, nor shall employer discriminate against any employee injured in the line of duty as a volunteer fireman, fire police or volunteer member of an ambulance service or rescue squad who subsequently returns to work after receiving workers' compensation benefits pursuant to the act of June 2, 1915 (P.L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act." The term "discriminate" shall mean to discharge or to discipline in a manner inconsistent with the employer's treatment of other similarly situated employees who are injured in the course of their employment or related activities. (1.1 added Dec. 5, 1988, P.L. 1102, No. 131)

Section 2. Any time lost from employment as provided in section 1 may be charged to the employee's regular pay.

Section 3. Any employee losing time as provided in section 1 shall supply his employer with a statement from the chief executive officer of his volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that he responded to a call and the time thereof. (3 amended Dec. 5, 1988, P.L. 1102, No. 131)

Section 4. As used in this act, "line of duty" shall mean going to, coming from or during fire prevention activities which includes fire prevention, first aid, rescue and salvage, ambulance service, fire police work, assistance at accidents, control of crowds both of the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and such other activities as are commonly undertaken by fire companies, ambulance services or rescue squads or their affiliated organizations. The term "employer" includes any individual, partnership, association, cooperation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to any employee. The term "discipline" shall mean the taking of any action against an employee. Which adversely affects his regular pay to an extent greater than permitted by section 2, his job status or opportunity for promotion, or his right to any benefit granted by the employer to other similarly situated employees. (4 amended Dec. 5, 1988, P.L. 1102, No. 131)

Section 5. Any employer who willfully and knowingly violates the provisions of this act shall be required to revoke and disciplinary action and any penalty attached thereto, or to reinstate such employee to his former position and shall be required to pay such employee all lost wages and benefits for the period between termination and reinstatement and any reasonable attorney fees which are incurred in an action to recover lost wages and benefits. Any action to enforce the provisions of this act shall be commenced within the period of two years within the date of violation and such action in which the employer is located. (5 amended Dec. 5, 1988, P.L. 1102, No. 131)

The _____ Volunteer Fire - Rescue - EMS Co.

PO Box _____, _____, PA 1_____

Date: _____ 20__

Dear Employer,

Please excuse _____, (Clock #) _____ for being (Tardy or Absent) from their job in accordance with the Public Law #249. He/She responded to a _____

on _____, _____, 20____, from _____ until _____.

If you have any questions, please feel free to contact me, My Phone Number is _____ - _____ - _____, so I may clarify them for you.

I was the Officer in Charge _____

(Title) _____.

You may also contact Fire Chief _____

his/her Phone Number is _____ - _____ - _____ or call

at the Station. The Station Number is _____ - _____ - _____.

Thank you for your time and understanding of the service that your employee is providing to their community.

Employer, please sign this form and then make a photocopy of it for your employees personal records.

(Employer/ Supervisor Signature)

(Date)