SENATE DOCKET, NO. 21 FILED ON: 1/7/2011

SENATE . . . . . No. 941

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to protections for on-call volunteers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	☐ *[District]* ☐
Michael J. Rodrigues	☐ *[District]* ☐

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SENATE . . . . . No. 941

By Mr. Moore, a petition (accompanied by bill, Senate, No. 941) of Michael O. Moore and Michael J. Rodrigues for legislation to protect on-call volunteers. Labor and Workforce Development.

The Commonwealth of Massachusetts

An Act relative to protections for on-call volunteers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding an specific or general law to the contrary, the Secretary of Labor & Workforce Development is hereby directed to promulgate regulations to ensure that if an employee is absent from or late to his or her employment due to his or her engaging in the actual performance of his or her duties as (a) a volunteer firefighter, or (b) an enrolled member of a volunteer ambulance service an employer shall be prohibited from terminating such employee solely on the basis of such absence or lateness.

SECTION 2. The entire period of the authorized absence may be charged against any other leave such employee is otherwise entitled to, and such authorized absence shall include travel both to and from such duties performed in his or her capacity as a volunteer. At the employer's request the employee must provide the employer with a statement from the head of the volunteer firefighter or volunteer ambulance service, as applicable, stating the employee responded to an emergency at the time of such response.

SECTION 3. In the event that the employee does not have accrued time to offset any time lost in an emergency response the employer must either, at its option: (a) grant at least three hours of authorized absence in any twelve month period to an employee who has engaged in a volunteer response; or (b) allow its employees without use of accumulated leave time an authorized absence for volunteer response during work hours at least two times per calendar year.

SECTION 4. The Secretary of Labor & Workforce Development is hereby authorized to establish any necessary guidelines, including requirements for documentation of the emergency response, validation of accrued leave, and the conditions of dismissal and procedures for an employee to seek reinstatement and reimbursement if dismissed on the basis of an authorized absence.