

ASSEMBLY BILL

No. 2535

Introduced by Assembly Member Oller

February 24, 2000

An act to amend Section 230.3 of the Labor Code, relating to volunteer firefighters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2535, as introduced, Oller. Volunteer firefighters.

Existing law provides that no employer shall discharge or in any manner discriminate against an employee for taking time off to perform emergency duty as a volunteer firefighter.

This bill, in addition, would provide that an employee who is a volunteer firefighter and who works for an employer employing 50 or more employees shall be permitted to take leaves of absence, not to exceed an aggregate of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training.

Existing law provides that any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of taking time off to perform emergency duty as a volunteer firefighter is entitled to be reinstated and reimbursed, as specified. Existing law also provides that any employer who willfully refuses to rehire, promote, or otherwise restore an employee, as specified, is guilty of a misdemeanor.

This bill would extend that protection to those employees who work for employers employing 50 or more employees and

who take time off to engage in fire or law enforcement training, as specified.

This bill would impose a state-mandated local program by imposing criminal penalties on persons who violate certain provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 230.3 of the Labor Code is
2 amended to read:

3 230.3. (a) No employer shall discharge or in any
4 manner discriminate against an employee for taking time
5 off to perform emergency duty as a volunteer firefighter.
6 *Any employee who is a volunteer firefighter, and works*
7 *for an employer employing 50 or more employees, shall*
8 *be permitted to take temporary leaves of absence, not to*
9 *exceed an aggregate of 14 days per calendar year, for the*
10 *purpose of engaging in fire or law enforcement training.*

11 (b) Any employee who is discharged, threatened with
12 discharge, demoted, suspended, or in any other manner
13 discriminated against in the terms and conditions of
14 employment by his or her employer because the
15 employee has taken time off to perform emergency duty
16 as a volunteer firefighter *or, if the employee works for an*
17 *employer employing 50 or more employees, to engage in*
18 *fire or law enforcement training as provided in*
19 *subdivision (a) of this section, shall be entitled to*
20 reinstatement and reimbursement for lost wages and
21 work benefits caused by the acts of the employer. Any
22 employer who willfully refuses to rehire, promote, or
23 otherwise restore an employee or former employee who
24 has been determined to be eligible for rehiring or



1 promotion by a grievance procedure, arbitration, or
2 hearing authorized by law, is guilty of a misdemeanor.

3 (c) Subdivisions (a) and (b) of this section shall not
4 apply to any public safety agency or provider of
5 emergency medical services when, as determined by the
6 employer, the employee's absence would hinder the
7 availability of public safety or emergency medical
8 services.

9 (d) For purposes of this section, "volunteer
10 firefighter" shall have the same meaning as the term
11 "volunteer" in subdivision (m) of Section 50952 of the
12 Government Code.

13 SEC. 2. No reimbursement is required by this act
14 pursuant to Section 6 of Article XIII B of the California
15 Constitution because the only costs that may be incurred
16 by a local agency or school district will be incurred
17 because this act creates a new crime or infraction,
18 eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition
21 of a crime within the meaning of Section 6 of Article
22 XIII B of the California Constitution.

