

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 666**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Pensions, Veterans' Affairs and General Laws, February 9, 2006, with recommendation that the Senate Committee Substitute do pass.

3281S.05C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 320, RSMo, by adding thereto four new sections relating to volunteer firefighter job protection act.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 320, RSMo, is amended by adding thereto four new sections, to be known as sections 320.330, 320.333, 320.336, and 320.339, to read as follows:

**320.330. Sections 320.330 to 320.339 may be cited as the "Volunteer Firefighter Job Protection Act".**

**320.333. 1. As used in sections 320.330 to 320.339, the phrase "volunteer firefighter" means any firefighter in the service of any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or volunteer fire protection association, who receives no monetary compensation for his or her services.**

**2. The term "monetary compensation" includes any economic return for services and shall not include:**

**(1) Life insurance, sickness, health, disability, annuity, length of service, retirement, pension, and other employee-type fringe benefits;**

**(2) De minimus compensation to pay for fuel, minor costs related to transportation, and other minor operation costs.**

**320.336. 1. No public or private employer may terminate an employee for joining any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or a volunteer fire protection association, as a volunteer firefighter.**

6           2. No public or private employer may terminate an employee who  
7 is a volunteer firefighter because the employee, when acting as a  
8 volunteer firefighter, is absent from or late to his or her employment  
9 in order to respond to an emergency prior to the time the employee is  
10 to report to his or her place of employment.

11           3. An employer may charge against the employee's regular pay  
12 any time that an employee who is a volunteer firefighter loses from  
13 employment because of the employee's response to an emergency in the  
14 course of performing his or her duties as a volunteer firefighter.

15           4. In the case of an employee who is a volunteer firefighter and  
16 who loses time from his or her employment in order to respond to an  
17 emergency in the course of performing his or her duties as a volunteer  
18 firefighter, the employer has the right to request the employee to  
19 provide the employer with a written statement from the supervisor or  
20 acting supervisor of the volunteer fire department stating that the  
21 employee responded to an emergency and stating the time and date of  
22 the emergency.

23           5. An employee who is a volunteer firefighter and who may be  
24 absent from or late to his or her employment in order to respond to an  
25 emergency in the course of performing his or her duties as a volunteer  
26 firefighter must make a reasonable effort to notify his or her employer  
27 that he or she may be absent or late.

          320.339. An employee who is terminated in violation of sections  
2 320.330 to 320.339 may bring a civil action against his or her employer  
3 who violated sections 320.330 to 320.339. The employee may seek  
4 reinstatement to his or her former position, payment of back wages,  
5 reinstatement of fringe benefits, and, where seniority rights are  
6 granted, reinstatement of seniority rights. If the employee prevails in  
7 such an action, the employee shall be entitled to an award of  
8 reasonable attorney's fees and the costs of the action. The employee  
9 must commence such an action within one year after the date of the  
10 employee's termination.

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