

SENATE BILL REPORT

SB 5384

As of February 8, 2021

Title: An act relating to volunteer firefighters.

Brief Description: Concerning volunteer firefighters.

Sponsors: Senators Warnick, Short and Wilson, L..

Brief History:

Committee Activity: Labor, Commerce & Tribal Affairs: 2/08/21.

Brief Summary of Bill

- Modifies the definition of volunteer firefighter for the purposes of the Industrial Welfare Act.
- Removes the requirement that a volunteer firefighter respond without pay for a state agency to be required to allow them to respond to fire, natural disaster, or medical emergencies.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Staff: Jarrett Sacks (786-7448)

Background: The Industrial Welfare Act (IWA) contains a number of provisions dealing with wages, hours, and working conditions, including child labor, work apparel, and other matters. Under the IWA, an employer may not discharge from employment or discipline a volunteer firefighter because of leave taken related to an alarm of fire or an emergency call.

A volunteer firefighter may file a complaint for an alleged violation of these provisions with the Department of Labor and Industries (L&I) and L&I must investigate. If L&I determines the employer violated the provisions, a volunteer firefighter may bring an action against the

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employer for reinstatement or withdrawal of the disciplinary action, including back pay.

For the purposes of the IWA protections, a volunteer firefighter is a firefighter who:

- is not paid;
- is not already at their place of employment when called to serve as a volunteer, unless the employer agrees to provide such accommodation; and
- has been ordered to remain at their position by the commanding authority at the scene of the fire.

The protections under the IWA for volunteer firefighters only applies to employers with 20 or more full-time equivalent employees in the previous year.

Summary of Bill: The definition of volunteer firefighter is changed for the purposes of the protections under the IWA.

A volunteer firefighter is a firefighter covered under the Volunteer Firefighters' and Reserve Officers' Pension and Relief System who:

- performs voluntarily any assigned or authorized duties on behalf, or at the direction, of a fire protection district including service performed under the state fire service mobilization plan regardless of reimbursement;
- has notified their employer of their firefighter status and arranged for leave if mobilized; and
- has been ordered to remain at their position by the commanding authority at the scene of the fire.

Provisions requiring a firefighter to be unpaid and not already at their place of employment are removed.

A requirement that a volunteer firefighter respond without pay in order for a state agency to be required to allow the employee to respond to fire, natural disaster, or medical emergencies is removed. The requirement that state agencies allow a volunteer firefighter to respond to fire, natural disaster, or medical emergencies is made subject to the volunteer firefighter provisions of the IWA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: During the wildfires last year, volunteer firefighters could not leave their places of employment to help fight fires because of

restrictions by employers. The bill will allow volunteer firefighters to leave to fight fires. Some employers voluntarily let firefighters leave, and other employers and state agencies should as well. The bill will help attract more volunteer firefighters.

OTHER: Volunteer firefighters should be allowed to go fight fires even if they have another job. Some technical changes are needed to help the Department of Labor and Industries enforce the statute, including defining some terms.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor.

OTHER: Tammy Fellin, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: No one.