

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Andrews OF New Jersey,  
OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

**AMENDMENT TO H.R. 1684, AS REPORTED  
OFFERED BY MR. ANDREWS OF NEW JERSEY**

Insert after section 513 the following new section:

1 **SEC. 514. TERMINATION OF EMPLOYMENT OF VOLUNTEER**  
2 **FIREFIGHTERS AND EMERGENCY MEDICAL**  
3 **PERSONNEL PROHIBITED.**

4 (a) **TERMINATION PROHIBITED.**—

5 (1) **IN GENERAL.**—No employee may be termi-  
6 nated, demoted, or in any other manner discrimi-  
7 nated against in the terms and conditions of employ-  
8 ment because such employee is absent from or late  
9 to the employee’s employment for the purpose of  
10 serving as a volunteer firefighter or providing volun-  
11 teer emergency medical services as part of a re-  
12 sponse to an emergency or major disaster.

13 (2) **DEPLOYMENT.**—The prohibition in para-  
14 graph (1) shall apply to an employee serving as a  
15 volunteer firefighter or providing volunteer emer-  
16 gency medical services if such employee—

17 (A) is specifically deployed to respond to  
18 the emergency or major disaster in accordance  
19 with a coordinated national deployment system  
20 such as the Emergency Management Assistance

1 Compact or a pre-existing mutual aid agree-  
2 ment; or

3 (B) is a volunteer firefighter who—

4 (i) is a member of a qualified volun-  
5 teer fire department that is located in the  
6 State in which the emergency or major dis-  
7 aster occurred;

8 (ii) is not a member of a qualified fire  
9 department that has a mutual aid agree-  
10 ment with a community affected by such  
11 emergency or major disaster; and

12 (iii) has been deployed by the emer-  
13 gency management agency of such State to  
14 respond to such emergency or major dis-  
15 aster.

16 (3) LIMITATIONS.—The prohibition in para-  
17 graph (1) shall not apply to an employee who—

18 (A) is absent from the employee's employ-  
19 ment for the purpose described in paragraph  
20 (1) for more than 14 days per calendar year;

21 (B) responds to the emergency or major  
22 disaster without being officially deployed as de-  
23 scribed in paragraph (2); or

1 (C) fails to provide the written verification  
2 described in paragraph (5) within a reasonable  
3 period of time.

4 (4) WITHHOLDING OF PAY.—An employer may  
5 reduce an employee’s regular pay for any time that  
6 the employee is absent from the employee’s employ-  
7 ment for the purpose described in paragraph (1).

8 (5) VERIFICATION.—An employer may require  
9 an employee to provide a written verification from  
10 the official of the Federal Emergency Management  
11 Agency supervising the Federal response to the  
12 emergency or major disaster or a local or State offi-  
13 cial managing the local or State response to the  
14 emergency or major disaster that states—

15 (A) the employee responded to the emer-  
16 gency or major disaster in an official capacity;  
17 and

18 (B) the schedule and dates of the employ-  
19 ee’s participation in such response.

20 (6) REASONABLE NOTICE REQUIRED.—An em-  
21 ployee who may be absent from or late to the em-  
22 ployee’s employment for the purpose described in  
23 paragraph (1) shall—

24 (A) make a reasonable effort to notify the  
25 employee’s employer of such absence; and

1 (B) continue to provide reasonable notifi-  
2 cations over the course of such absence.

3 (b) RIGHT OF ACTION.—

4 (1) RIGHT OF ACTION.—An individual who has  
5 been terminated, demoted, or in any other manner  
6 discriminated against in the terms and conditions of  
7 employment in violation of the prohibition described  
8 in subsection (a) may bring, in a district court of  
9 the United States of appropriate jurisdiction, a civil  
10 action against individual’s employer seeking—

11 (A) reinstatement of the individual’s  
12 former employment;

13 (B) payment of back wages;

14 (C) reinstatement of benefits; and

15 (D) if the employment granted seniority  
16 rights, reinstatement of seniority rights.

17 (2) LIMITATION.—The individual shall com-  
18 mence a civil action under this section not later than  
19 1 year after the date of the violation of the prohibi-  
20 tion described in subsection (a).

21 (c) STUDY AND REPORT.—

22 (1) STUDY.—The Secretary of Labor shall con-  
23 duct a study on the impact that the requirements of  
24 this section could have on the employers of volunteer  
25 firefighters or individuals who provide volunteer

1 emergency medical services and who may be called  
2 on to respond to an emergency or major disaster.

3 (2) REPORT.—Not later than 12 months after  
4 the date of the enactment of this Act, the Secretary  
5 of Labor shall submit a report of the study con-  
6 ducted under paragraph (1) to the Committee on  
7 Health, Education, Labor, and Pensions and the  
8 Committee on Small Business and Entrepreneurship  
9 of the Senate and the Committee on Education and  
10 the Workforce and the Committee on Small Business  
11 of the House of Representatives.

12 (d) DEFINITIONS.—In this section—

13 (1) the term “emergency” has the meaning  
14 given such term in section 102 of the Robert T.  
15 Stafford Disaster Relief and Emergency Assistance  
16 Act (42 U.S.C. 5122);

17 (2) the term “major disaster” has the meanings  
18 given such term in section 102 of the Robert T.  
19 Stafford Disaster Relief and Emergency Assistance  
20 Act (42 U.S.C. 5122);

21 (3) the term “qualified volunteer fire depart-  
22 ment” has the meaning given such term in section  
23 150(e) of the Internal Revenue Code of 1986;

24 (4) the term “volunteer emergency medical  
25 services” means emergency medical services per-

1       formed on a voluntary basis for a fire department or  
2       other emergency organization; and

3               (5) the term “volunteer firefighter” means an  
4       individual who is a member in good standing of a  
5       qualified volunteer fire department.

Amend the table of contents by adding, after the  
item relating to section 513, the following new item:

Sec. 514. Termination of employment of volunteer firefighters and emergency  
medical personnel prohibited.