

REGULAR CALENDAR

March 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 1508-FN,

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Lino Avellani

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 1508-FN
Title:	prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.
Date:	March 1, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill seeks to address an issue that, at this time, does not exist. The committee heard no public testimony that this bill was needed and it created more questions than it seemed to solve. For those reasons and more, the majority supports Inexpedient to Legislate.

Vote 12-8.

Rep. Lino Avellani
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 1508-FN, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lino Avellani for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill seeks to address an issue that, at this time, does not exist. The committee heard no public testimony that this bill was needed and it created more questions than it seemed to solve. For those reasons and more, the majority supports Inexpedient to Legislate. **Vote 12-8.**

Original: House Clerk
Cc: Committee Bill File

March 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 1508-FN,

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Andrew Maneval

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 1508-FN
Title:	prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.
Date:	March 1, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill would preclude an employer from firing or disciplining an employee who does not report to work because that employee is then responding to an emergency as a member of a volunteer fire or ambulance department. The employer is not obligated to pay the employee for the time away from work. Other protections against misuse of this statute are included. Many of NH's small towns rely on volunteer fire and ambulance departments as first responders to fires and medical emergencies. Those small towns are facing enormous and increasing difficulties in finding volunteers for this service and in ensuring that such volunteers can balance work responsibilities with emergency duties. NH communities depend on such volunteer service, even at the occasional cost of some disruption to an employer's schedule. This bill, which was improved by an amendment not taken up by the committee, would facilitate performance of these critical services.

Rep. Andrew Maneval
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 1508-FN, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. **OUGHT TO PASS.**

Rep. Andrew Maneval for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill would preclude an employer from firing or disciplining an employee who does not report to work because that employee is then responding to an emergency as a member of a volunteer fire or ambulance department. The employer is not obligated to pay the employee for the time away from work. Other protections against misuse of this statute are included. Many of NH's small towns rely on volunteer fire and ambulance departments as first responders to fires and medical emergencies. Those small towns are facing enormous and increasing difficulties in finding volunteers for this service and in ensuring that such volunteers can balance work responsibilities with emergency duties. NH communities depend on such volunteer service, even at the occasional cost of some disruption to an employer's schedule. This bill, which was improved by an amendment not taken up by the committee, would facilitate performance of these critical services.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 1508-FN

BILL TITLE: prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

DATE: February 24, 2022

LOB ROOM: 305 - 307

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Avellani

Seconded by Rep. Turcotte

Vote: 12-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jonathan Mackie, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 1508-FN

BILL TITLE: prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

DATE: 2/24/24

LOB ROOM: 303-307

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Avellani Seconded by Rep. Twette Vote: 12-8

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? 2 Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: 
Rep Jonathan Mackie, Clerk



2022 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: 1508 FN Motion: ITL AM #: _____ Exec Session Date: 2/24/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	12		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M.	2		
Callum, John M.	3		
Mackie, Jonathan D. Clerk	4		
Love, David C.			
Warden, Mark	5		
Turcotte, Leonard P.	6		
Prout, Andrew J.	7		
Boyd, Stephen E.	8		
Hough, Gregg	9		
Sullivan, Brian M.		1	
Soucy, Timothy A.		2	
Baroody, Benjamin C. <u>Schwartz</u>		3	
Cahill, Michael D.		4	
DiSilvestro, Linda A. <u>Bellows</u>		5	
Schmidt, Janice E.	10		
Toomey, Dan	11		
Bouchard, Donald J.		6	
Adjutant, Joshua		7	
Maneval, Andrew		8	

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 1508-FN

BILL TITLE: prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

DATE: February 10, 2022

LOB ROOM: 305-307 **Time Public Hearing Called to Order:** 11:47 a.m.

Time Adjourned: 12:17 p.m.

Committee Members: Reps. Infantine, Seaworth, Mackie, Avellani, Callum, Love, Warden, Turcotte, Prout, S. Boyd, Hough, Sullivan, Soucy, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard and Adjutant

Bill Sponsors:

Rep. Deshaies
Rep. Maggiore
Rep. Ham

Rep. Bordes
Rep. Wolf

Rep. M. Pearson
Rep. Allard

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Brodie Deshaies introduced the bill. This would prohibit companies from firing employees because they were late due to their volunteer work with emergency services.

Rep. Sullivan: Is this only protection for showing up late? Not leaving early?

Rep. Deshaies: Correct. Employees schedule their volunteer hours around their regular work.

Rep. Seaworth: Does this apply to every employer regardless of size, even a one employee company?

Rep. Deshaies: Yes.

Rep. Maneval: The bill also seems to cover leaving work?

Rep. Deshaies: Yes, it does. I was in error before in my statement.

Rep. Warden: The number of hours required to qualify, where did that number come from?

Rep. Deshaies: I believe from a law in another state.

Rep. Avellani: It appears they can come late, leave early, leave in the middle of work?

Rep. Deshaies: Yes. That might need to be amended. It was not the intent.

Rep. Turcotte: Can you tell me how many employees this has affected?

Rep. Deshaies: We do not have the statistics.

Rep Turcotte: Do you have any examples?

Rep. Deshaies: It has been raised as a concern by potential recruits.

Rep. Toomey: Is not getting paid for missing work be considered disciplinary action?

Rep. Deshaies: No.

Rep. Sullivan: Would you agree to striking the provision of leaving work being covered?

Rep. Deshaies: Yes.

Rep. Avellani: Any reason for taking enforcement out of DOL and giving it to the courts?

Rep. Deshaies: Not really. If the committee thinks it would be better under DOL I'm agreeable

Peter McKenna from DOL appeared to answer questions.

Rep. Avellani: How do you feel about moving enforcement from DOL to the court.

Peter McKenna: Often people have a choice of which avenue to pursue.

Rep. Avellani: Is there a limit on how long a person has to file a complaint?

Peter McKenna: Generally, a year.

Does it already exist that you can go to Superior Court?

Peter McKenna: I don't know specifically in this issue.

Rep. Sullivan: The way this is written seems to indicate that Superior Court is the path to be taken. Should this be clarified?

Peter McKenna: Yes. It could be clarified.

Respectfully submitted,

Rep. Jonathan Mackie

Clerk

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB1508 on 2022-02-10

Support: 351 Oppose: 78 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 1:14 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 4:12 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	2/8/2022 2:08 PM

HB 1508-FN - AS INTRODUCED

2022 SESSION

22-2034
04/11

HOUSE BILL ***1508-FN***

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

SPONSORS: Rep. Deshaies, Carr. 6; Rep. Bordes, Belk. 3; Rep. M. Pearson, Rock. 34; Rep. Maggiore, Rock. 22; Rep. Wolf, Merr. 5; Rep. Allard, Merr. 21; Rep. Ham, Graf. 5

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work was due to such employee responding to an emergency.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Protective Legislation; Discrimination in the Workplace; Volunteer Firefighters
2 and Emergency Medical Technicians. Amend RSA 275 by inserting after section 41-d the following
3 new section:

4 275:41-e Volunteer Firefighters and Emergency Medical Technicians.

5 I. No employer shall discharge or take any other disciplinary action against any employee by
6 reason of failure of such employee to report for work at the commencement of such employee's
7 regular working hours where the failure is due to the employee's responding to an emergency in his
8 or her capacity as a volunteer member of a fire department or ambulance department; provided,
9 however, that no such employer shall be required to compensate any such employee for any period of
10 such employee's normal working hours during which for such reason the employee fails to report for
11 work and at the request of an employer shall submit a statement signed by the chief of such fire
12 department or ambulance department certifying the date and time such employee responded to and
13 returned from the emergency. Such employee shall inform his or her employer or immediate
14 supervisor of the reasons for the failure to report.

15 II. As used in this section, "responding to an emergency" shall mean responding to, leaving
16 work to respond to, or working at the scene of or returning from a fire, rescue, emergency medical
17 service call, hazardous materials incident, or a natural or man-made disaster in the good faith belief
18 that the action is necessary to prevent the imminent loss of life or property, where the emergency
19 occurs during a period other than normal working hours of the employee. As used in this section,
20 "volunteer member" shall mean a volunteer, call, reserve, or permanent-intermittent firefighter or
21 emergency medical technician, but shall not include any person who received compensation for over
22 975 hours of services rendered in such capacity over the preceding 6-month period.

23 III. Any employee who is terminated or against whom any disciplinary action is taken in
24 violation of the provisions of this section shall be immediately reinstated to such employee's former
25 position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or other
26 benefits during any period for which such termination or other disciplinary action was in effect.

27 IV. An action to enforce the provisions of this section shall be commenced within one year of
28 the date of the alleged violation, in the superior court within any county wherein the action occurred
29 or wherein the employer resides or transacts business.

30 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1508-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work, or need to leave work, was due to such employee responding to an emergency.

The Judicial Branch states the bill would authorize an action to enforce the provisions of the new section to be commenced within one year in Superior Court. The Branch assumes the changes to the law would result in additional litigation which would require additional judicial resources, but the additional number of cases that may be filed if this bill goes into effect, if any, cannot be predicted.

The Department of Labor does not anticipate this bill would have an appreciable impact on revenues at the county or local levels. The Department indicates it is possible that the state could see an indeterminable increase in revenue due to fines assessed against employers operating in direct violation. The Department states it is unlikely that the bill would have a significant impact on state, county or local expenditures, but it is possible that there could be some costs associated with re-hiring individuals and/or restoring benefits.

The New Hampshire Municipal Association indicates municipal employees frequently serve as volunteer firefighters or EMTs in their home communities. As such, it is reasonable to assume that some indeterminable percentage of the municipal workforce would be covered by this legislation. However, the Association states it is impossible to determine the frequency with which volunteer firefighters or EMTs may be called into service prior to the start of their workday and not report to work at their regularly scheduled time or need to leave a work shift as the types of emergencies that they respond to would not be reasonably foreseeable.

It is assumed any fiscal impact would not occur until FY 2023.

AGENCIES CONTACTED:

Judicial Branch, Department of Labor, and New Hampshire Municipal Association