

40A:14-213

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 202

NJSA: 40A:14-213 (Affords employment protection to certain volunteer emergency responders)

BILL NO: A1263 (Substituted for S3008)

SPONSOR(S) Moriarty and Others

DATE INTRODUCED: January 8, 2008

COMMITTEE: **ASSEMBLY:** Law and Public Safety
Budget

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 25, 2009

SENATE: January 11, 2010

DATE OF APPROVAL: January 14, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A1263

SPONSOR'S STATEMENT: (Begins on page 3 of original bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Law and Pub. 6-4-09 Budget 6-22-09
	SENATE:	Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

S3008

SPONSOR'S STATEMENT: (Begins on page 3 of original bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes
FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	No	

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Sweeney gets view from New Jersey governor's chair," Gloucester County Times, 1-15-10.

LAW/RWH

[First Reprint]

ASSEMBLY, No. 1263

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman SANDRA LOVE

District 4 (Camden and Gloucester)

Co-Sponsored by:

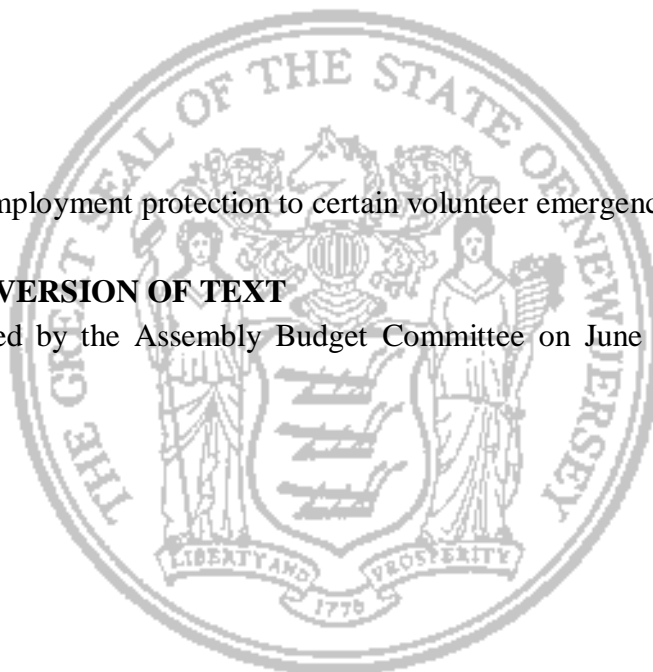
Assemblymen Albano, Scalera, Ribble, Chivukula, Assemblywomen Greenstein, Riley, Assemblyman Conaway, Senators Sweeney, Madden, Girgenti and Baroni

SYNOPSIS

Affords employment protection to certain volunteer emergency responders.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 22, 2009, with amendments.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT affording employment protections to volunteers responding
2 to emergency alarms in certain cases, and supplementing chapter
3 14 of Title 40A of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Emergency
9 Responders Employment Protection Act.”
10

11 2. a. As used in this act, “volunteer emergency responder”
12 means an active member in good standing of a volunteer fire
13 company, a volunteer member of a duly incorporated first aid,
14 rescue or ambulance squad, or a member of any county or
15 municipal volunteer Office of Emergency Management, provided
16 the member’s official duties include responding to a fire or
17 emergency call.

18 b. No employer shall terminate, dismiss or suspend an
19 employee who fails to report for work at his place of employment
20 because he is serving as a volunteer emergency responder during a
21 state of emergency declared by the President of the United States or
22 the Governor of this State or is ¹actively engaged in responding to
23 an emergency alarm; provided the volunteer emergency responder
24 provides his employer with (1) notice, at least one hour before he is
25 scheduled to report to his place of employment, that he is rendering
26 emergency services in response to a declared state of emergency or
27 emergency alarm; and (2) upon returning to his place of
28 employment, a copy of the incident report and a certification by the
29 incident commander, or other official or officer in charge, affirming
30 that the volunteer emergency responder was actively engaged in ¹,
31 and necessary for,¹ rendering emergency services and setting forth
32 the date and time the volunteer emergency responder was relieved
33 from emergency duty by that officer or official, as the case may be.
34 If the volunteer emergency responder is actively engaged in
35 rendering emergency services for more than one consecutive work
36 day, the incident commander, or other official or officer in charge,
37 shall direct that appropriate notice be given the volunteer
38 emergency responder’s employer each day the volunteer is required
39 to be absent from his employment.

40 c. No employer shall be required to pay any employee for any
41 work time that the employee misses while serving as a volunteer
42 emergency responder pursuant to this subsection; provided,
43 however, a volunteer emergency responder may charge his absence

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 22, 2009.

A1263 [1R] MORIARTY, BURZICHELLI

3

1 as a vacation day or a sick day, if the volunteer has such days
2 available.

3 d. The provisions of this act shall not apply to any employee
4 who, by statute or contract, is deemed an essential employee.

5

6 3. This act shall take effect on the first day of the third month
7 following enactment.

ASSEMBLY, No. 1263

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman SANDRA LOVE

District 4 (Camden and Gloucester)

Co-Sponsored by:

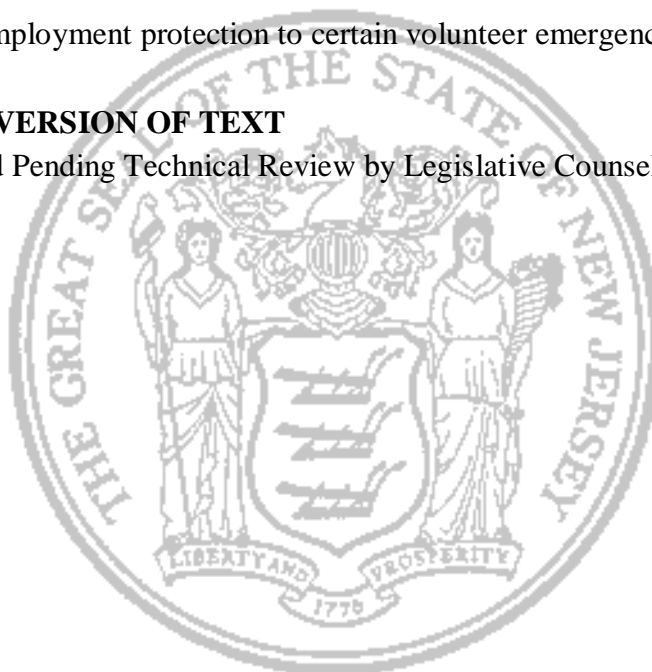
Assemblymen Albano and Scalera

SYNOPSIS

Affords employment protection to certain volunteer emergency responders.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/13/2008)

A1263 MORIARTY, BURZICHELLI

2

1 AN ACT affording employment protections to volunteers responding
2 to emergency alarms in certain cases, and supplementing chapter
3 14 of Title 40A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Emergency
9 Responders Employment Protection Act.”

10
11 2. a. As used in this act, “volunteer emergency responder”
12 means an active member in good standing of a volunteer fire
13 company, a volunteer member of a duly incorporated first aid,
14 rescue or ambulance squad or a member of any county or municipal
15 volunteer Office of Emergency Management, provided the
16 member’s official duties include responding to a fire or emergency
17 call.

18 b. No employer shall terminate, dismiss or suspend an
19 employee who fails to report for work at his place of employment
20 because he is serving as a volunteer emergency responder during a
21 state of emergency declared by the President of the United States or
22 the Governor of this State or is engaged in responding to an
23 emergency alarm; provided the volunteer emergency responder
24 provides his employer with (1) notice, at least one hour before he is
25 scheduled to report to his place of employment, that he is rendering
26 emergency services in response to a declared state of emergency or
27 emergency alarm; and (2) upon returning to his place of
28 employment, a copy of the incident report and a certification by the
29 incident commander, or other official or officer in charge, affirming
30 that the volunteer emergency responder was actively engaged in
31 rendering emergency services and setting forth the date and time the
32 volunteer emergency responder was relieved from emergency duty
33 by that officer or official, as the case may be. If the volunteer
34 emergency responder is actively engaged in rendering emergency
35 services for more than one consecutive work day, the incident
36 commander, or other official or officer in charge, shall direct that
37 appropriate notice be given the volunteer emergency responder’s
38 employer each day the volunteer is required to be absent from his
39 employment.

40 c. No employer shall be required to pay any employee for any
41 work time that the employee misses while serving as a volunteer
42 emergency responder pursuant to this subsection; provided,
43 however, a volunteer emergency responder may charge his absence
44 as a vacation day or a sick day, if the volunteer has such days
45 available.

46 d. The provisions of this act shall not apply to any employee
47 who, by statute or contract, is deemed an essential employee.

1 3. This act shall take effect on the first day of the third month
2 following enactment.

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STATEMENT

6

7 This bill, the “Emergency Responders Employment Protection
8 Act,” would provide employment protection for volunteer
9 emergency responders who, because they are providing emergency
10 services in response to a state of emergency or an emergency alarm,
11 fail to report to work.

12 Under the provisions of the bill, employers would be prohibited
13 from terminating, dismissing or suspending an employee who fails
14 to report to work because he is engaged in providing volunteer
15 emergency services in response to a declared state of emergency or
16 an emergency alarm. This protection is available, however, only if
17 the employee provides his employer with (1) a notice, at least one
18 hour prior to the time he is scheduled to report to work, that he is
19 engaged in rendering emergency services and (2) upon returning to
20 work a copy of the official incident report and a certification from
21 the incident commander, or other official or officer in charge,
22 affirming that the employee was actively engaged in rendering
23 emergency services and setting forth the date and time the volunteer
24 emergency responder was relieved from emergency duty by that
25 officer or official.

26 The bill also provides that if an employee is actively engaged in
27 rendering volunteer emergency services for more than one
28 consecutive work day, the incident commander, or other official or
29 officer in charge, is to provide appropriate notice to the employee’s
30 employer each day the volunteer is required to be absent from his
31 employment.

32 The provisions of the bill do not require an employer to pay an
33 employee who misses work because that employee is rendering
34 emergency services. The bill does, however, permit an employee to
35 charge his absence as a vacation day or a sick day and in that way
36 be paid for the day.

37 The protections afforded under this bill apply only to volunteer
38 emergency responders whose official duties include responding to a
39 fire or emergency call. Administrative and auxiliary personnel are
40 not covered.

41 Similarly, employees who are designated as essential employees,
42 either by statute or contract, are not entitled to these protections.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1263

STATE OF NEW JERSEY

DATED: JUNE 4, 2009

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1263.

Assembly Bill No. 1263, the “Emergency Responders Employment Protection Act,” would provide employment protection for volunteer emergency responders who, because they are providing emergency services in response to a state of emergency or an emergency alarm, fail to report to work.

Under the provisions of the bill, employers would be prohibited from terminating, dismissing, or suspending an employee who fails to report to work because he is engaged in providing volunteer emergency services in response to a declared state of emergency or an emergency alarm. This protection is available, however, only if the employee provides his employer with (1) a notice, at least one hour prior to the time he is scheduled to report to work, that he is engaged in rendering emergency services; and (2) upon returning to work a copy of the official incident report and a certification from the incident commander, or other official or officer in charge, affirming that the employee was actively engaged in rendering emergency services and setting forth the date and time the volunteer emergency responder was relieved from emergency duty by that officer or official.

The bill also provides that if an employee is actively engaged in rendering volunteer emergency services for more than one consecutive work day, the incident commander, or other official or officer in charge, is to provide appropriate notice to the employee’s employer each day the volunteer is required to be absent from his employment.

The provisions of the bill do not require an employer to pay an employee who misses work because that employee is rendering emergency services. The bill does, however, permit an employee to charge his absence as a vacation day or a sick day and in that way be paid for the day.

The protections afforded under this bill apply only to volunteer emergency responders whose official duties include responding to a fire or emergency call. Administrative and auxiliary personnel are not covered.

Similarly, employees who are designated as essential employees, either by statute or contract, are not entitled to these protections.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1263

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2009

The Assembly Budget Committee reports favorably Assembly Bill No. 1263, with committee amendments.

The bill, the “Emergency Responders Employment Protection Act,” as amended, provides certain employment protections for volunteer emergency responders who, because they are providing emergency services in response to a state of emergency or an emergency alarm, fail to report to work.

Under the bill, employers are prohibited from terminating, dismissing, or suspending an employee who fails to report to work because the employee is actively engaged in providing volunteer emergency services in response to a declared state of emergency or an emergency alarm. This protection is available, however, only if the employee provides his employer with (1) a notice, at least one hour prior to the time he is scheduled to report to work, that he is engaged in rendering emergency services; and (2) upon returning to work a copy of the official incident report and a certification from the incident commander, or other official or officer in charge, affirming that the employee was actively engaged in, and necessary for, rendering emergency services and setting forth the date and time the volunteer emergency responder was relieved from emergency duty by that officer or official.

The bill also provides that if an employee is actively engaged in rendering volunteer emergency services for more than one consecutive work day, the incident commander, or other official or officer in charge, is to provide appropriate notice to the employee’s employer each day the volunteer is required to be absent from his employment.

The provisions of the bill do not require an employer to pay an employee who misses work because that employee is rendering emergency services. However, the bill permits an employee to charge his absence as a vacation or a sick day and in that way be paid for the day.

The protections afforded under the bill apply only to volunteer emergency responders whose official duties include responding to a

fire or emergency call. Administrative and auxiliary personnel are not covered.

Similarly, employees who are designated as essential employees, either by statute or contract, are not entitled to these protections.

COMMITTEE AMENDMENTS:

The committee amendments clarify that (1) the volunteer emergency responder must be “actively” engaged in responding to an emergency, and (2) incident commanders, or other officials or officers in charge, must certify that the responder is “necessary for” rendering emergency services to receive employment protections provided by the bill.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1263

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 1263 (1R).

This bill, the "Emergency Responders Employment Protection Act," provides certain employment protections for volunteer emergency responders who, because they are providing emergency services in response to a state of emergency or an emergency alarm, fail to report to work.

Under the bill, employers are prohibited from terminating, dismissing, or suspending an employee who fails to report to work because the employee is actively engaged in providing volunteer emergency services in response to a declared state of emergency or an emergency alarm. This protection is available, however, only if the employee provides his employer with (1) a notice, at least one hour prior to the time he is scheduled to report to work, that he is engaged in rendering emergency services; and (2) upon returning to work a copy of the official incident report and a certification from the incident commander, or other official or officer in charge, affirming that the employee was actively engaged in, and necessary for, rendering emergency services and setting forth the date and time the volunteer emergency responder was relieved from emergency duty by that officer or official.

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The provisions of the bill do not require an employer to pay an employee who misses work because that employee is rendering emergency services. However, the bill permits an employee to charge his absence as a vacation or a sick day and in that way be paid for the day.

The protections afforded under the bill apply only to volunteer emergency responders whose official duties include responding to a

fire or emergency call. Administrative and auxiliary personnel are not covered.

Similarly, employees who are designated as essential employees, either by statute or contract, are not entitled to these protections.

It is the committee's understanding that the provisions of this bill shall not require the disclosure of any individually identifiable health information protected under the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191, and that any information that would identify an individual would be redacted from the incident report.

As reported by the committee, this bill is identical to Senate Bill No.3008, which also was reported by the committee on this date.

SENATE, No. 3008

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Girgenti and Baroni

SYNOPSIS

Affords employment protection to certain volunteer emergency responders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT affording employment protections to volunteers responding
2 to emergency alarms in certain cases, and supplementing chapter
3 14 of Title 40A of the New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. This act shall be known and may be cited as the “Emergency
9 Responders Employment Protection Act.”

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11 2. a. As used in this act, “volunteer emergency responder”
12 means an active member in good standing of a volunteer fire
13 company, a volunteer member of a duly incorporated first aid,
14 rescue or ambulance squad, or a member of any county or
15 municipal volunteer Office of Emergency Management, provided
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17 emergency call.

18 b. No employer shall terminate, dismiss or suspend an
19 employee who fails to report for work at his place of employment
20 because he is serving as a volunteer emergency responder during a
21 state of emergency declared by the President of the United States or
22 the Governor of this State or is actively engaged in responding to an
23 emergency alarm; provided the volunteer emergency responder
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26 emergency services in response to a declared state of emergency or
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29 incident commander, or other official or officer in charge, affirming
30 that the volunteer emergency responder was actively engaged in,
31 and necessary for, rendering emergency services and setting forth
32 the date and time the volunteer emergency responder was relieved
33 from emergency duty by that officer or official, as the case may be.
34 If the volunteer emergency responder is actively engaged in
35 rendering emergency services for more than one consecutive work
36 day, the incident commander, or other official or officer in charge,
37 shall direct that appropriate notice be given the volunteer
38 emergency responder’s employer each day the volunteer is required
39 to be absent from his employment.

40 c. No employer shall be required to pay any employee for any
41 work time that the employee misses while serving as a volunteer
42 emergency responder pursuant to this subsection; provided,
43 however, a volunteer emergency responder may charge his absence
44 as a vacation day or a sick day, if the volunteer has such days
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STATEMENT

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17 the employee provides his employer with (1) a notice, at least one
18 hour prior to the time he is scheduled to report to work, that he is
19 engaged in rendering emergency services; and (2) upon returning to
20 work a copy of the official incident report and a certification from
21 the incident commander, or other official or officer in charge,
22 affirming that the employee was actively engaged in, and necessary
23 for, rendering emergency services and setting forth the date and
24 time the volunteer emergency responder was relieved from
25 emergency duty by that officer or official.

26 The bill also provides that if an employee is actively engaged in
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28 consecutive work day, the incident commander, or other official or
29 officer in charge, is to provide appropriate notice to the employee’s
30 employer each day the volunteer is required to be absent from his
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33 employee who misses work because that employee is rendering
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35 charge his absence as a vacation or a sick day and in that way be
36 paid for the day.

37 The protections afforded under the bill apply only to volunteer
38 emergency responders whose official duties include responding to a
39 fire or emergency call. Administrative and auxiliary personnel are
40 not covered.

41 Similarly, employees who are designated as essential employees,
42 either by statute or contract, are not entitled to these protections.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3008

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 3008.

This bill, the "Emergency Responders Employment Protection Act," provides certain employment protections for volunteer emergency responders who, because they are providing emergency services in response to a state of emergency or an emergency alarm, fail to report to work.

Under the bill, employers are prohibited from terminating, dismissing, or suspending an employee who fails to report to work because the employee is actively engaged in providing volunteer emergency services in response to a declared state of emergency or an emergency alarm. This protection is available, however, only if the employee provides his employer with (1) a notice, at least one hour prior to the time he is scheduled to report to work, that he is engaged in rendering emergency services; and (2) upon returning to work a copy of the official incident report and a certification from the incident commander, or other official or officer in charge, affirming that the employee was actively engaged in, and necessary for, rendering emergency services and setting forth the date and time the volunteer emergency responder was relieved from emergency duty by that officer or official.

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As reported by the committee, this bill is identical to Assembly Bill No. 1263 (1R), which also was reported by the committee on this date.