

LABOR & EMPLOYMENT

ALERT

DELAWARE VOLUNTEER EMERGENCY RESPONDERS JOB PROTECTION ACT

By: Leslie B. Spoltore

Recognizing that qualified volunteer firefighters, ambulance crews and other emergency response personnel are difficult to find and hard to replace, the State of Delaware recently enacted two bills designed to protect these much-needed volunteers from discrimination or discipline in the workplace related to their volunteer service.

House Bill 21, entitled the Volunteer Emergency Responders Job Protection Act, prohibits an employer from firing, demoting or otherwise taking disciplinary action against an employee who was acting in his or her role as a volunteer emergency responder. Specifically, the Act prohibits termination or discipline against employees who are (1) absent from work due to an injury related to their volunteer activities; (2) absent from work for a governor-declared State of Emergency lasting up to seven days, or (3) absent from work for a president-declared national emergency lasting up to 14 days. The Act defines “volunteer emergency responders” as volunteer firefighters, members of ladies auxiliaries of volunteer fire companies, volunteer emergency medical technicians and/or volunteer fire police officers.

The employee seeking the protection of the Act must make reasonable efforts to notify his or her employer that he or she may be absent. Further, an employer may request an employee serving as a volunteer emergency responder who

is absent from work to provide a written statement regarding his or her absence. If requested, the written statement must be provided within seven days and must be signed by the individual in charge of the employee’s volunteer department or, if the absence relates to an injury, by a medical professional.

An employee who is terminated or subject to discipline in violation of the Volunteer Emergency Responders Job Protection Act must be reinstated. The Act provides an employee with the ability to seek relief for one year from the date of the alleged violation.

Additional protection for volunteer emergency responders is found in House Bill 22. This bill provides that employers may not discriminate against volunteer emergency responders because of their membership in a volunteer emergency responder organization.

For more questions or more information, please contact [Leslie B. Spoltore](mailto:Leslie.B.Spoltore@foxrothschild.com) at 302.622.4203 or lsoltore@foxrothschild.com, or any member of the [Labor & Employment Department](#).