

FILED

2001 MAY -2 A 11: 11

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



# ENROLLED

## COMMITTEE SUBSTITUTE FOR House Bill No. 2313

(By Delegates Caputo and Prunty)



Passed April 13, 2001

In Effect Ninety Days from Passage

FILED

2001 MAY -2 A 11: 19

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 2313**

(BY DELEGATES CAPUTO AND PRUNTY)

—  
[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to time lost as a volunteer fire department member or an emergency medical service attendant; adding additional persons who may provide verification of an employee's response to an emergency call; modifying the definition of "emergency"; clarifying benefits as including seniority; and permitting the emergency medical service attendant to choose whether lost time as an emergency medical service attendant is subtracted from regular pay or accumulated annual leave at the option of the employee.

*Be it enacted by the Legislature of West Virginia:*

That section seventeen, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-17. Employers prohibited from discharging employees for time lost as volunteer firemen or emergency medical service attendant.**

1 No employer may terminate, or use any disciplinary action  
2 against, an employee who is a member of a volunteer fire  
3 department or who is an emergency medical service attendant  
4 and who, in the line of emergency duty as a volunteer fireman  
5 or an emergency medical service attendant, responds to an  
6 emergency call prior to the time he or she is due to report for  
7 work and which emergency results in a loss of time from his or  
8 her employment.

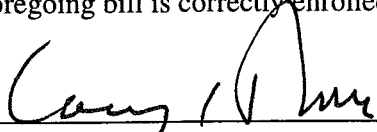
9 Any time lost from employment as provided in this section  
10 may be charged against the employee's regular pay or against  
11 the employee's accumulated leave, if any, at the option of the  
12 employee.

13 At the request of an employer, any employee losing time as  
14 provided herein shall supply his or her employer with a  
15 statement from the chief of the volunteer fire department or the  
16 supervisor or other appropriate person in charge of the emer-  
17 gency medical service entity stating that the employee re-  
18 sponded to an emergency call and the time thereof.

19 As used in this section, "emergency" means going to,  
20 attending to or coming from: (1) A fire call; (2) a hazardous or  
21 toxic materials spill and cleanup; (3) a motor vehicle accident;  
22 or (4) any other situation to which his or her fire department or  
23 emergency medical service entity has been or later could be  
24 dispatched. The term "employer" includes any individual,  
25 partnership, association, corporation, business trust or any  
26 person or group of persons acting directly or indirectly in the  
27 interest of an employer in relation to any employee.

28 Any employer who willfully and knowingly violates the  
29 provisions of this section must reinstate the employee to his or  
30 her former position and shall be required to pay the employee  
31 all lost wages and benefits, including seniority, for the period  
32 between termination and reinstatement. Any action to enforce  
33 the provisions of this section must be commenced within a  
34 period of one year after the date of violation and the action must  
35 be commenced in the circuit court of the county wherein the  
36 place of employment is located.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

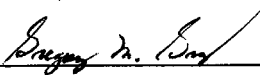
  
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Chairman Senate Committee

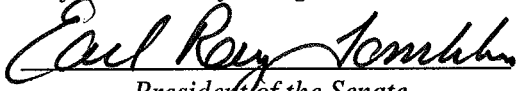
  
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Chairman House Committee


Originating in the House.

In effect ninety days from passage.

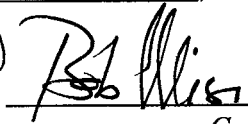
  
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Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 1<sup>st</sup>  
day of May, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/26/01

Time 5:16 pm