

No. 218

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987



ENROLLED

SENATE BILL NO. 218

(By Senator Cheronek et al)



PASSED March 14, 1987

In Effect ninty day from Passage



ENROLLED

Senate Bill No. 218

(By SENATORS CHERNENKO, MANCHIN, HARMAN, WARNER, WHITLOW,
JARRELL, WOLFE AND BOLEY)

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to amend article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen, relating to employers prohibited from discharging employees for time lost as volunteer firemen; civil penalty; limitations.

Be it enacted by the Legislature of West Virginia:

That article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seventeen, to read as follows:

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-17. Employers prohibited from discharging employees for time lost as volunteer firemen.

1 No employer may terminate an employee who is a
2 member of a volunteer fire department and who, in the line
3 of emergency duty as a volunteer fireman, responds to an
4 emergency call prior to the time he is due to report for work
5 and which emergency results in a loss of time from his
6 employment.

7 Any time lost from employment as provided in this
8 section may be charged against the employee's regular pay.

9 At the request of an employer, any employee losing time
10 as provided herein shall supply his employer with a
11 statement from the chief of the volunteer fire department
12 stating that the employee responded to an emergency call
13 and the time thereof.

14 As used in this section, "emergency" shall mean going to
15 or coming from an actual fire to prevent the imminent loss
16 of life or property. The term "employer" includes any
17 individual, partnership, association, corporation, business
18 trust or any person or group of persons acting directly or
19 indirectly in the interest of an employer in relation to any
20 employee.

21 Any employer who willfully and knowingly violates the
22 provisions of this section shall be required to reinstate such
23 employee to his former position and shall be required to pay
24 such employee all lost wages and benefits for the period
25 between termination and reinstatement. Any action to
26 enforce the provisions of this section shall be commenced
27 within a period of one year after the date of violation and
28 such action shall be commenced in the circuit court of the
29 county wherein the place of employment is located.

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

Bernard J. ...
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. ...
Clerk of the Senate

Donald L. ...
Clerk of the House of Delegates

Ann ...
President of the Senate

Robert ...
Speaker House of Delegates

The within *Approved* this the *28th*
day of *March*, 1987.

Arch A. ...
Governor



PRESENTED TO THE

GOVERNOR

Date 3/23/87

Time 3:06 p.m.

RECEIVED

1987 MAR 30 AM 11:25

OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF DEFENSE