

# House Bill 2535

Sponsored by Representative WITT; Representatives DOHERTY, EVANS, LIVELY, SMITH WARNER, Senator GELSER (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires employer to grant unpaid leave of absence to employee serving in firefighting forces during declared fire emergency.

## A BILL FOR AN ACT

1  
2 Relating to firefighter employment rights; creating new provisions; and amending ORS 476.574.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 476.574 is amended to read:

5 476.574. (1) **As used in this section:**

6 (a) **“Employee” means an individual, other than a copartner of the employer or an inde-**  
7 **pendent contractor, who renders personal services in this state to an employer that pays or**  
8 **agrees to pay wages or other compensation to the individual for the services.**

9 (b) **“Employer” means:**

10 (A) **A person that employs one or more employees in this state; or**

11 (B) **The State of Oregon, or a county, city, district, authority, public corporation or en-**  
12 **tity, or an instrumentality of the state or of a county, city, district, authority, public cor-**  
13 **poration or entity, organized and existing under law or charter.**

14 (c) **“Employer” does not mean the federal government.**

15 [(1)] (2) Upon request of an employee who is a volunteer firefighter of a rural fire protection  
16 district or a firefighter employed by a city or a private firefighting service to perform service pur-  
17 suant to ORS 476.510 to 476.610, [*the employee, upon written notice by the employer, may be granted*]  
18 **an employer shall grant the employee** a leave of absence [*by the employer*] until release from  
19 [*such*] **that service** [*permits*] **allows** the employee to resume the duties of employment. **Except as**  
20 **provided in this subsection, an employee requesting a leave of absence under this section**  
21 **must, at the time of the request, provide the employer with written notice that the employee**  
22 **is being called into emergency service with firefighting forces as designated by the Governor**  
23 **or another authorized official. This subsection does not require employee notice to an em-**  
24 **ployer that is ordered by the Governor to assign or make the employee available under ORS**  
25 **476.530.**

26 [(2)] (3) The regular employment position of an employee on leave of absence under this section  
27 shall be considered vacant only for the period of the leave of absence. The employee [*shall not be*]  
28 **is not** subject to removal or discharge from such position as a consequence of the leave of absence.

29 [(3)] (4) Upon the termination of a leave of absence under this section, the employee shall be  
30 restored to the employee's position or an equivalent position by the employer without loss of sen-  
31 iority, vacation credits, sick leave credits, service credits under a pension plan or any other em-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ployee benefit or right that had been earned at the time of the leave of absence.

2 [(4)] (5) An employer is not required to pay wages or other monetary compensation to an em-  
3 ployee during a leave of absence under [subsection (1) of] this section.

4 [(5) As used in this section:]

5 [(a) "Employee" means any individual, other than a copartner of the employer or an independent  
6 contractor, who renders personal services in this state to an employer who pays or agrees to pay wages  
7 or other compensation to the individual for those services.]

8 [(b) "Employer" means any person who employs one or more employees in this state. The term in-  
9 cludes the State of Oregon or any county, city, district, authority, public corporation or entity and any  
10 of their instrumentalities organized and existing under law or charter, but does not include the federal  
11 government.]

12 **SECTION 2. The amendments to ORS 476.574 by section 1 of this 2015 Act apply to service**  
13 **with fire fighting forces under a designation made on or after the effective date of this 2015**  
14 **Act under ORS 476.515 or 476.520.**