

Governor Signs Law Protecting Emergency Responders from Employer Discrimination

Wilmington – At Brandywine Hundred Fire Company, Governor Markell signed [House Bill 21](#) and [House Bill 22](#) today to protect volunteer emergency responders from employer discrimination or discipline stemming from their volunteer responsibilities. The legislation, which stemmed from an incident in which a Delaware firefighter was fired by a private employer after sustaining burns to his hands while fighting a house fire, was sponsored by Representative Debra Heffernan (D-Brandywine Hundred South). Senator Harris McDowell (D-Wilmington North) was the lead Senate sponsor and a strong supporter of the bills.

“Our volunteer emergency responders are ready and willing to protect others each time a call for help comes in,” said Governor Markell. “This legislation provides them with a bit of protection in return, allowing them to focus their full attention towards ensuring the safety and well-being of those in need.”

Known as the Volunteer Emergency Responders Job Protection Act, HB 21 prevents an employer from firing or taking disciplinary action against an employee:

- who misses up to 7 days of work while responding to a Governor-declared state of emergency,
- who misses or up to 14 days of work while responding to a President-declared state of emergency;
- who is absent from work due to injury sustained when acting as a volunteer emergency responder.

☒ HB 21 exempts essential state employees, members of the armed forces, members of the National Guard, hospital

personnel and public utility workers. It further provides that an employer may require a worker who misses work for the above reasons to provide proof of the emergency response or injury.

A second measure, HB 22, prohibits employers from discriminating in the hiring or discharging of any person because of that person's membership in a volunteer emergency responder organization (such as volunteer firefighters, volunteer EMTs and volunteer fire police, as well as ladies' auxiliary members).

Rep. Heffernan worked with the [Delaware Volunteer Firefighter's Association](#) and the [Brandywine Hundred Fire Co.](#) in crafting both pieces of legislation.

"We're extremely fortunate to have friends and neighbors who volunteer as emergency responders throughout our state. They put their personal lives on hold and often put themselves at risk to protect us," said Rep. Heffernan, D-Brandywine Hundred South. "Many of these volunteers that we rely on daily have full-time jobs in addition to being firefighters or EMTs, and those jobs enable them to volunteer on the side. We are taking reasonable steps to protect these emergency responders from employer discrimination while they are keeping us safe."

Christiana Fire Company Chief Richard J. Perillo also played an integral role in the development of the legislation.

"The performance of firefighting and emergency medical services in Delaware comes at great personal risks to those involved. Greater risks are imposed to those that perform these duties in the volunteer capacity," Mr. Perillo said. "These heroes save lives, improve the quality of life and educate the citizens and visitors within this great state, only to return to their places of full-time employment. In the minds of all these saviors is the ability to continue to serve and provide for a healthy and satisfying personal life. This

legislation will ensure the personal security and longevity within volunteerism for the Delaware Fire Service; and these dedicated emergency responders can now rest assured that while they are providing for others, the law is providing for them.”