

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9701. Major Disaster Volunteer Protection.

(a) Definitions. In this section, the following words have the following meanings, unless the context clearly requires a different meaning:

(1) "respond to an emergency" means the mobilization and distribution of rescue relief and rebuilding efforts in response to a typhoon, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, fire or other catastrophe in any part of the United States of America, which in the determination of the President of the United States, causes damage of sufficient severity and magnitude to warrant major disaster assistance under U.S. Disaster Relief Act (42 U.S.C. § 5121 et seq.) or the mobilization and distribution of rescue relief and rebuilding efforts in response to a "disaster," "emergency" or "major disaster" as defined by 3 CMC § 5114.

(2) "volunteer member of an emergency management agency" means a volunteer firefighter, rescue squad member, emergency medical technician, law enforcement officer, or a member of the American Red Cross, and Federal Emergency Management Agency (FEMA) certified field personnel.

(b) No employer shall terminate an employee who is a volunteer member of an emergency management agency because that employee, when acting as a volunteer member of an emergency management agency, is absent for a period of no more than two months from the employee's employment in order to respond to an emergency.

(c) An employer may request an employee who loses time from the employee's employment to respond to an emergency to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department, rescue squad, emergency medical services agency, law enforcement agency, or the director of the emergency management agency stating that the employee responded to an emergency and listing the time and date of the emergency.

(d) No employer shall terminate an employee who is a volunteer member of an emergency management agency who is absent for a period of no more than twelve months from the employee's employment because of injuries incurred in the line of duty or service while responding to an emergency. The volunteer member of an emergency management agency shall provide, at the request of his or her employer:

(1) A written statement from the supervisor, acting supervisor, or director of the volunteer fire department, rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency under whose command the employee was on active duty and on assignment with that fire department, rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency when the injury occurred; and

(2) A written statement from at least one licensed and practicing physician stating that the volunteer firefighter, rescue squad member, emergency medi-

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cal technician, peace officer, or member of an emergency management agency is injured and a date for the employee's return to work.

(e) **Withholding of Pay.** An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose of responding to an emergency.

(f) Any employee that is terminated in violation of the provisions of this section may bring a civil action against his or her employer. The employee may seek reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and where seniority rights are granted, the reinstatement of seniority rights. In order to recover, the employee shall file this action within two years of the date of the violation of this section.

Source: PL 15-93 § 2.

Commission Comment: The Commission removed numbers that repeated words in this section pursuant to 1 CMC § 3806(e). Public Law 15-93, enacted by override on October 4, 2007, contained severability and savings clause provisions and the following:

Section 1. Findings and Intent. The Legislature finds and declares that those who volunteer to help victims of major disasters in any part of the United States of America or disasters, emergencies, or major disasters within the Commonwealth put themselves at great risk to help others during a time of crisis. While many worry only of themselves, certain volunteers render aid by offering their time and talent to complete strangers. This is done to the volunteers' financial detriment, as time off from work must be taken to travel to (and from) the disaster site, and extraordinary efforts must be rendered while at the site such that the volunteer must miss work for extended periods of time. The Legislature finds and declares that these volunteers should be free from the worry of having to choose between rendering services to their fellow man during a time of crisis and possibly losing their job in the Commonwealth. Accordingly, it is the intent of the Legislature to provide job protection to volunteer members of an emergency management agency. This act is necessary and is a proper use of the Legislative power granted by Art. II sec. 1 of the Constitution of the Commonwealth of the Northern Mariana Islands.