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HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 428

AN ACT TO AMEND TITLE 29 RELATING TO THE PROTECTION OF A COVERED VOLUNTEER
FIREFIGHTER'S STATE EMPLOYMENT UPON PARTIAL DISABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 51, Title 29 of the Delaware Code by adding thereto a new section,
2 designated as Section 5121, which new section shall read as follows:

3 "§5121. Leave of absence for covered volunteer firefighters injured in the line of duty.

4 (a) As used in this section, the following definitions shall apply:

5 (i) "Covered firefighter" shall mean enrolled firefighters, ladies auxiliary
6 members, and volunteer ambulance and rescue company members in good standing
7 according to the rules of their Delaware volunteer fire company or association.

8 (ii) "Line of duty", with respect to enrolled firefighters, ladies auxiliary
9 members and volunteer ambulance and rescue company members as defined in
10 subsection (a)(i) of this section, shall mean while traveling to, performing their assigned
11 duties or returning from, a fire alarm, rescue operation or any other emergency volunteer
12 fire company action; provided, however, that the phrases "traveling to" and "returning
13 from" shall include the time encompassed by the firefighter's ladies auxiliary members' or
14 volunteer ambulance and rescue company members' entrance into their personal vehicle

15 or company emergency vehicle in response to the alarm or emergency call until their first
16 disembarkation from their personal vehicle at their home, place of employment or other
17 location.

18 (iii) "Partial disability" shall mean a medically determined physical or mental
19 impairment that renders a person unable to function as a covered firefighter.

20 (b) In the case of any employee of this State who is a covered volunteer firefighter who
21 is injured in the line of duty and suffers a partial disability, the state agency, board, department or
22 other employing officer or agency of this State employing such employee shall grant to such
23 employee a leave of absence which shall cover the entire period of such employee's partial
24 disability. Upon a determination that the employee no longer suffers a partial disability, such
25 employee shall be reinstated in the position held at the time that such leave of absence was
26 granted, and such employee shall be continued in employment under the same terms and
27 conditions as if such employee had been in the continuous service of such employing agency
28 during the period of the leave of absence."

SYNOPSIS

This Act grants a leave of absence from state employment to volunteer firefighters, ladies auxiliary members or rescue workers who are injured in the line of duty. This Act only applies to volunteers whose employment is with the State. An injured volunteer will have the right to be reinstated at his or her former position and with the same terms of employment as if such volunteer had been in continuous service