

**ARTICLE 10C**  
**Volunteer Emergency Responder Job Protection**

Section

- 12-10C-1 Short title.  
12-10C-2 Definitions.  
12-10C-3 Termination of employment of volunteer emergency responder prohibited; limitation;  
notice; certification; withholding pay.  
12-10C-4 Cause of action.

**12-10C-1. Short title.**

This act may be cited as the "Volunteer Emergency Responder Job Protection Act".

**History:** Laws 2006, ch. 98, § 1.

**Effective dates.** — Laws 2006, ch. 98 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective May 17, 2006, 90 days after adjournment of the legislature.

**12-10C-2. Definitions.**

As used in the Volunteer Emergency Responder Job Protection Act [12-10C-1 NMSA 1978]:

A. "emergency or disaster" means an event so declared by the governor or president of the United States; and

B. "volunteer emergency responder" means a person who is a member in good standing of a volunteer fire department, an emergency medical service, a search and rescue team or a law enforcement agency or who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster.

**History:** Laws 2006, ch. 98, § 2.

**Effective dates.** — Laws 2006, ch. 98 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective May 17, 2006, 90 days after adjournment of the legislature.

**12-10C-3. Termination of employment of volunteer emergency responder prohibited; limitation; notice; certification; withholding pay.**

A. An employee shall not be terminated, demoted or in any other manner discriminated against in the terms and conditions of employment because the employee, when serving as a volunteer emergency responder, is absent from the employee's place of employment in order to respond to an emergency or disaster.

B. Subsection A of this section shall not apply if the employee, while acting as a volunteer emergency responder to an emergency or disaster, is absent from the employee's place of employment for a period of more than ten regular business days in a calendar year.

C. An employee who will be absent from the employee's place of employment while serving as a volunteer emergency responder to an emergency or disaster shall make reasonable efforts to notify the employer of that service and shall continue to make those reasonable notification efforts over the course of the absence.

D. An employer may request an employee to provide to the employer a written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder to an emergency or disaster.

E. An employer may charge against an employee's regular pay time that the employee is absent from employment while serving as a volunteer emergency responder to an emergency or disaster.

**History:** Laws 2006, ch. 98, § 3.

**Effective dates.** — Laws 2006, ch. 98 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective May 17, 2006, 90 days after adjournment of the legislature.

#### **12-10C-4. Cause of action.**

In addition to other available remedies, an employee who has been terminated, demoted or in any other manner discriminated against in the terms and conditions of employment in violation of the Volunteer Emergency Responder Job Protection Act [12-10C-1 NMSA 1978] may bring a cause of action seeking reinstatement of the employee's former position, payment of back wages, reinstatement of fringe benefits or, where seniority rights are granted, reinstatement of seniority rights; provided that an action for violation of the Volunteer Emergency Responder Job Protection Act shall be brought within one year from the date of the violation.

**History:** Laws 2006, ch. 98, § 4.

**Effective dates.** — Laws 2006, ch. 98 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective May 17, 2006, 90 days after adjournment of the legislature.