

1 AN ACT relating to first responders.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.518 is amended to read as follows:

- 4 (1) As used in this section, unless the context requires otherwise:
- 5 (a) "Commissioner" means the commissioner of the department;
- 6 (b) "Department" means the Department of Criminal Justice Training of the  
7 Justice and Public Safety Cabinet;
- 8 (c) "Fund" means the Law Enforcement Professional Development and Wellness  
9 Program fund established in subsection (8) of this section; and
- 10 (d) "Program" means the Law Enforcement Professional Development and  
11 Wellness Program established in this section.
- 12 (2) The department shall develop a Law Enforcement Professional Development and  
13 Wellness Program.
- 14 (3) The program shall use seminar-based peer support and counseling services designed  
15 to reduce negative mental and behavioral health outcomes.
- 16 (4) The program shall be offered to Kentucky law enforcement officers at least two (2)  
17 times each calendar year.
- 18 (5) On a limited basis, the program may be offered to law enforcement officers from  
19 states other than Kentucky upon application to and approval by the commissioner.  
20 However, no Kentucky law enforcement officers may be denied admission to the  
21 program if law enforcement officers from another state are admitted to the program.
- 22 (6) The department shall promulgate administrative regulations in accordance with  
23 KRS Chapter 13A to implement this section. The administrative regulations shall  
24 address, at a minimum:
- 25 (a) The required qualifications and duties of any person used by the department to  
26 implement or administer the program;
- 27 (b) The curriculum, programming, seminar type, and treatment modalities used in

1 the program;

2 (c) The extent to which a participating officer's relatives or friends may  
3 participate in seminars;

4 (d) The standards by which law enforcement officers from other states may be  
5 accepted into the program by the commissioner; and

6 (e) A protocol for establishing reciprocity for interagency assistance with other  
7 state, federal, and tribal law enforcement agencies and officers in  
8 administering the program.

9 (7) (a) Except as provided in paragraphs (b) and (c) of this subsection,  
10 communications, identifying data, and any reports made in the application for  
11 or in the course of an officer's participation in the program shall be  
12 confidential and privileged from disclosure in any civil or criminal proceeding  
13 and shall not be subject to discovery, disclosure, or production upon the order  
14 or subpoena of a court or other agency with subpoena power, regardless of  
15 who possesses them. The participating officer is the holder of the privilege.

16 (b) The department may use anonymous data for research, statistical analysis, and  
17 educational purposes.

18 (c) Any communication making an actual threat of physical violence against a  
19 clearly identified or reasonably identifiable victim or an actual threat of some  
20 specific violent act may be revealed by the program in order to prevent the  
21 commission of any physical violence or violent act using the protocol  
22 established in KRS 202A.400.

23 (8) (a) There is hereby established in the State Treasury a restricted fund to be known  
24 as the Law Enforcement Professional Development and Wellness Program  
25 fund.

26 (b) The fund shall consist of moneys received from the Kentucky Law  
27 Enforcement Foundation Program fund established in KRS 15.430, grants,

- 1 gifts, state appropriations, and federal funds.
- 2 (c) The fund shall be administered by the department.
- 3 (d) Amounts deposited in the fund shall be used only for administration of the  
4 program.
- 5 (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a  
6 fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- 7 (f) Any interest earnings of the fund shall become a part of the fund and shall not  
8 lapse.
- 9 (g) Moneys deposited in the fund are hereby appropriated for the purposes set  
10 forth in this section and shall not be appropriated or transferred by the General  
11 Assembly for any other purposes.

12 **(9) (a) For the purposes of this subsection, "critical incident" means any event**  
13 **that has a stressful impact sufficient enough to overwhelm a peace officer's**  
14 **usual coping strategies. These events may include:**

- 15 **1. An officer-involved shooting;**
- 16 **2. A vehicle crash resulting in serious injury or death to an officer or**  
17 **citizen;**
- 18 **3. An officer being the victim of a felonious assault;**
- 19 **4. The death of a colleague or partner;**
- 20 **5. The death of, or serious injury to, a person in the custody of the**  
21 **officer;**
- 22 **6. The severe injury to, or death of, a child, particularly if the officer has**  
23 **a child of or near the same age; or**
- 24 **7. An incident involving multiple deaths or injuries in a short amount of**  
25 **time.**
- 26 **(b) Any peace officer involved directly in a critical incident may take up to**  
27 **forty-eight (48) hours of leave immediately following a critical incident.**

- 1                   *This leave may commence upon:*
- 2                   *1. The completion of that peace officer's shift encompassing the critical*
- 3                   *incident, or when are necessary administrative procedures relating to*
- 4                   *a critical incident have been completed; and*
- 5                   *2. The officer informs his or her supervisor.*
- 6                   *(c) This leave may be unpaid or paid leave. The pay status is to be determined*
- 7                   *by the officer's employment contract, collective labor agreement if any, or*
- 8                   *by written departmental policy.*
- 9                   *(d) This subsection shall not be construed to set aside any employment contract,*
- 10                   *labor agreement, or departmental policies that grant more than forty-eight*
- 11                   *(48) hours of leave following an officer involved critical incident.*

12                   ➔Section 2. KRS 95A.292 is amended to read as follows:

- 13                   (1) The commission shall establish the Alan "Chip" Terry Professional Development
- 14                   and Wellness Program for firefighters.
- 15                   (2) The program shall:
- 16                   (a) Use seminar-based peer support and counseling services designed to reduce
- 17                   negative mental and behavioral health outcomes; and
- 18                   (b) Be offered to Kentucky professional and volunteer firefighters in Kentucky at
- 19                   least two (2) times each calendar year.
- 20                   (3) On a limited basis, the program may be offered to professional and volunteer
- 21                   firefighters from states other than Kentucky upon application to and approval by the
- 22                   executive director. However, no Kentucky professional and volunteer firefighters
- 23                   may be denied admission to the program if professional and volunteer firefighters
- 24                   from another state are admitted to the program.
- 25                   (4) The commission shall promulgate administrative regulations in accordance with
- 26                   KRS Chapter 13A to implement this section. The administrative regulations shall
- 27                   address, at a minimum:

- 1 (a) The required qualifications and duties of any person used by the commission  
2 to implement or administer the program;
- 3 (b) The curriculum, programming, seminar type, and treatment modalities used in  
4 the program;
- 5 (c) The extent to which a participating firefighter's relatives or friends may  
6 participate in seminars;
- 7 (d) The standards by which professional and volunteer firefighters from other  
8 states may be accepted into the program by the executive director; and
- 9 (e) A protocol for establishing reciprocity for interagency assistance with other  
10 state, federal, and tribal professional and volunteer firefighters in  
11 administering the program.
- 12 (5) (a) Except as provided in paragraphs (b) and (c) of this subsection,  
13 communications, identifying data, and any reports made in the application for  
14 or in the course of a firefighter's participation in the program shall be  
15 confidential and privileged from disclosure in any civil or criminal proceeding  
16 and shall not be subject to discovery, disclosure, or production upon the order  
17 or subpoena of a court or other agency with subpoena power, regardless of  
18 who possesses them. The participating firefighter is the holder of the  
19 privilege.
- 20 (b) The commission may use anonymous data for research, statistical analysis,  
21 and educational purposes.
- 22 (c) Any communication making an actual threat of physical violence against a  
23 clearly identified or reasonably identifiable victim or an actual threat of some  
24 specific violent act may be revealed by the program in order to prevent the  
25 commission of any physical violence or violent act using the protocol  
26 established in KRS 202A.400.
- 27 (6) (a) There is hereby established in the State Treasury a restricted fund to be known

1 as the professional and volunteer firefighters professional development and  
2 wellness program fund.

3 (b) The fund shall consist of moneys received from the Firefighters Foundation  
4 Program Fund established in KRS 95A.220, grants, gifts, state appropriations,  
5 and federal funds.

6 (c) The fund shall be administered by the commission.

7 (d) Amounts deposited in the fund shall be used only for administration of the  
8 program.

9 (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a  
10 fiscal year shall not lapse but shall be carried forward to the next fiscal year.

11 (f) Any interest earnings of the fund shall become a part of the fund and shall not  
12 lapse.

13 (g) Moneys deposited in the fund are hereby appropriated for the purposes set  
14 forth in this section and shall not be appropriated or transferred by the General  
15 Assembly for any other purposes.

16 **(7) (a) For the purposes of this subsection, "critical incident" means any event**  
17 **that has a stressful impact sufficient enough to overwhelm a firefighter's**  
18 **usual coping strategies. These events may include:**

19 **1. A fire or vehicle crash resulting in serious injury or death to a first**  
20 **responder or citizen;**

21 **2. A firefighter being the victim of a felonious assault;**

22 **3. The death of a colleague or partner;**

23 **4. A death of or serious injury to, a person in the medical care of the**  
24 **firefighter;**

25 **5. The severe injury to, or death of, a child, particularly if the firefighter**  
26 **has a child of or near the same age; or**

27 **6. An incident involving multiple deaths or injuries in a short amount of**

1 time.

2 (b) Any firefighter involved directly in a critical incident may take up to forty-  
3 eight (48) hours of leave immediately following a critical incident. This  
4 leave may commence upon:

5 1. The completion of that firefighter's shift encompassing the critical  
6 incident, or when all necessary administrative procedures relating to a  
7 critical incident have been completed; and

8 2. The firefighter informs his or her supervisor.

9 (c) For regular firefighters, this leave may be unpaid or paid leave. The pay  
10 status is to be determined by the firefighter's employment contract,  
11 collective labor agreement if any, or by written departmental policy. This  
12 subsection shall not be construed to set aside any employment contract,  
13 labor agreement, or departmental policies that grant more than forty-eight  
14 (48) hours of leave following an officer involved critical incident.

15 (d) For volunteer firefighters, this leave may be unpaid or paid leave. The pay  
16 status is to be determined by the firefighter's written departmental policy.

17 ➔Section 3. KRS 337.100 is amended to read as follows:

18 (1) No employer shall terminate an employee who is a volunteer firefighter, rescue  
19 squad member, emergency medical technician, peace officer, or a member of an  
20 emergency management agency because that employee, when acting as a volunteer  
21 firefighter, rescue squad member, emergency medical technician, peace officer, or a  
22 member of an emergency management agency, is absent or late to the employee's  
23 employment in order to respond to an emergency prior to the time the employee is  
24 to report to his or her place of employment.

25 (2) No employer shall terminate an employee who is a volunteer firefighter, rescue  
26 squad member, emergency medical technician, peace officer, or a member of an  
27 emergency management agency because that employee, when acting as a

1 *volunteer firefighter, rescue squad member, emergency medical technician, peace*  
2 *officer, or a member of an emergency management agency, takes leave following*  
3 *a critical incident pursuant to Sections 1 and 2 of this Act.*

4 ~~(3)~~~~(2)~~ An employer may charge any time that an employee who is a volunteer  
5 firefighter, rescue squad member, emergency medical technician, peace officer, or a  
6 member of an emergency management agency loses from employment because of  
7 the employee's response to an emergency against the employee's regular pay.

8 ~~(4)~~~~(3)~~ An employer may request an employee who loses time from the employee's  
9 employment to respond to an emergency to provide the employer with a written  
10 statement from the supervisor or acting supervisor of the volunteer fire department,  
11 rescue squad, emergency medical services agency, law enforcement agency, or the  
12 director of the emergency management agency stating that the employee responded  
13 to an emergency and listing the time and date of the emergency.

14 ~~(5)~~~~(4)~~ No employer shall terminate an employee who is a volunteer firefighter,  
15 rescue squad member, emergency medical technician, peace officer, or member of  
16 an emergency management agency who is absent for a period of no more than  
17 twelve (12) months from the employee's employment because of injuries incurred in  
18 the line of duty. The volunteer firefighter, rescue squad member, emergency  
19 medical technician, peace officer, or member of an emergency management agency  
20 shall provide, at the request of his or her employer:

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



1 (b) A written statement from at least one (1) licensed and practicing physician  
2 stating that the volunteer firefighter, rescue squad member, emergency  
3 medical technician, peace officer, or member of an emergency management  
4 agency is injured and a date for the employee's return to work.

5 ~~(6)~~<sup>(5)</sup> Any employee that is terminated in violation of the provisions of this section  
6 may bring a civil action against his or her employer. The employee may seek  
7 reinstatement to the employee's former position, payment of back wages,  
8 reinstatement of fringe benefits, and where seniority rights are granted, the  
9 reinstatement of seniority rights. In order to recover, the employee shall file this  
10 action within one (1) year of the date of the violation of this section.