



State of Tennessee

HOUSE JOINT RESOLUTION NO. 69

By Representative Watson

and

Senator Bell

A RESOLUTION to urge Congress to modify the definition of firefighter under 29 U.S.C. 630(j) to include emergency medical services personnel for purposes of retirement benefits.

WHEREAS, this General Assembly is keenly aware of the paramount importance that the State and its numerous political subdivisions bear providing for fully able, dedicated, and expertly trained workforces to protect the safety and well being of citizens within the borders of Tennessee; and

WHEREAS, so crucial is the fitness and abilities of certain public safety officers to Tennesseans and all those who visit within or merely cross Tennessee's borders, public policies are in place setting forth mandatory retirement ages for public servants such as law enforcement officers, firefighters, wildlife officers, and agents of the Alcohol Beverage Commission and the Tennessee Bureau of Investigation; and

WHEREAS, upon investigation and assessment by Tennessee Consolidated Retirement System (TCRS) and the Bradley County Commission, it has been determined that under prevailing federal law located at 29 U.S.C. 630(j), the statutory definition of firefighter is not inclusive of persons who are first responders and provide emergency medical services to victims of accidents, tragedies, and natural disasters; and

WHEREAS, in keeping with this determination, emergency medical services personnel are not currently subject to a mandatory retirement requirement that counterparts alongside whom they stand, work, and render aid, as per their calls to duty, are subjected; and

WHEREAS, further, as a result of the lack of subjugation of emergency medical services personnel to a mandatory retirement provision, upon retirement, these public servants are deemed ineligible for the TCRS public safety benefit; and

WHEREAS, the general parameters of emergency medical services personnel's professional duties require levels of physical fitness, mental acuity, and professional skills as rigorous and demanding as those of their public safety cohorts in law enforcement and firefighting; and

WHEREAS, this body believes the remedy for this inequity lies with the federal government, and that remedy is "to include the definition of emergency medical services provider under 29 U.S.C. § 630(j) so that the scope of practice of emergency medical services personnel is included therein" now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly of the State of Tennessee urges Congress to classify emergency medical services providers as it does other first responders, such as firefighters and law enforcement officers, by defining "emergency medical services provider" as "an employee, the duties of whose position are primarily first responders dispatched to care for the sick or injured in emergency medical settings" under 29 U.S.C. § 630.

BE IT FURTHER RESOLVED, including emergency medical services providers in 29 U.S.C. 630 subjects emergency medical services technicians to the mandatory retirement requirement currently imposed on firefighters and law enforcement officers.

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BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives is directed to transmit a certified copy of this resolution with this final clause omitted from such copy to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and to each member of the Tennessee Congressional Delegation.

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ADOPTED: MARCH 25, 2013



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 27th day of March 2013



BILL HASLAM, GOVERNOR