

to interfere with law enforcement or fire fighting personnel or equipment, or to endanger the lives of such personnel or others during riotous or tumultuous conditions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding after section 402, a new section to read:

Section 402.1. Interference with Law Enforcement or Fire Fighting Personnel or Equipment, Endangering Lives of Such Personnel or Others During Riotous or Tumultuous Conditions.—Whoever during any riotous or tumultuous conditions does any act which interferes with the operation of law enforcement or fire fighting personnel or equipment, or endangers the lives of such personnel or any other person lawfully within the area, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to undergo imprisonment, by separate or solitary confinement at labor, for a term of not more than two (2) years.

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 160

AN ACT

SB 1442

Amending the act of September 8, 1959 (P. L. 838), entitled "An act to prohibit discrimination in employment by the Commonwealth, its agencies or any political subdivision, because of membership in the National Guard or a reserve component of the United States in certain cases," further protecting National Guardsmen in their employment and extending the act to include private employers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and section 1, act of September 8, 1959 (P. L. 838), entitled "An act to prohibit discrimination in employment by the Commonwealth, its agencies or any political subdivision, because

of membership in the National Guard or a reserve component of the United States in certain cases," are amended to read:

AN ACT

To prohibit discrimination in employment by the Commonwealth, its agencies or any political subdivision, or by private employers, be-

cause of membership in the National Guard or a reserve component of the United States in certain cases.

Section 1. It shall be unlawful for the Commonwealth or any of its departments, boards, commissions, agencies or any political subdivision, or for any private employer, to refuse to hire or employ

any individual not on extended active duty because of his membership in the National Guard or any one of the reserve components of the armed forces of the United States, or because he is called to active State duty by the Governor during an emergency, or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment because of such membership, or because he is called to active State duty by the Governor during an emergency. Upon the completion of such emergency

duty any such member of the Pennsylvania National Guard shall be restored by such private employer or his successor in interest to such position or to a position of like seniority, status and pay which such member held prior to such emergency duty, but if any such member is not qualified to perform the duties of such position by reason of disability sustained during such emergency duty but qualified to perform the duties of any other position in the employ of such private employer or his successor in interest, such member shall be restored to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of the case, unless such private employer's or his successor in interest, circumstances have so changed as to make it impossible or unreasonable to do so.

be restored by such private employer or his successor in interest to such position or to a position of like seniority, status and pay which such member held prior to such emergency duty, but if any such member is not qualified to perform the duties of such position by reason of disability sustained during such emergency duty but qualified to perform the duties of any other position in the employ of such private employer or his successor in interest, such member shall be restored to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of the case, unless such private employer's or his successor in interest, circumstances have so changed as to make it impossible or unreasonable to do so.

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of July, A. D. 1968.

RAYMOND P. SHAFER.