

No. 2013-80

AN ACT

HB 88

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in rights and immunities, further providing for leaves of absence for certain government employees.

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

Section 1. Section 4102 of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4102. Leaves of absence for certain government employees.

(a) Mandatory.—

[(1) All officers and employees of a political subdivision, or its instrumentalities, who are members of the Pennsylvania National Guard, shall be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating on all days during which they shall, as members of the Pennsylvania National Guard, be engaged in active State duty. All such officers and employees shall, in addition, be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating on all days not exceeding 15 days in any one year during which they shall, as members of the Pennsylvania National Guard or as members of any reserve component of the armed forces of the United States, be engaged in training or other military duty under orders authorized by Federal or State law. All such officers and employees shall, in addition, be entitled to unpaid leave of absence from their respective duties without loss of seniority or efficiency rating on all days in excess of 15 days per year during which they shall be engaged in training or other military duty under orders authorized by Federal or State law up to the maximum cumulative period authorized by 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services).

(2) All officers and employees of the Commonwealth or its instrumentalities who are members of the Pennsylvania National Guard shall be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating on all days during which they shall, as members of the Pennsylvania National Guard, be engaged in active State duty. All such officers and employees shall, in addition, be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating on all days not exceeding 15 days in any one year during which they shall, as members of the Pennsylvania National Guard or as members of any reserve component of the armed forces of the United States, be engaged in training or other military duty under orders authorized by Federal or State law. In addition, when such officers and employees shall be ordered, involuntarily or under a Contingency Operations

Temporary Tour of Active Duty (COTTAD) agreement or voluntarily to serve in a combat zone or in response to a domestic emergency, to active duty, other than active duty for training, for a period of 30 or more consecutive days and assigned to duties away from home station and when such duty is ordered under 10 U.S.C. § 12301 (relating to Reserve components generally), 12302 (relating to Ready Reserve) or 12304 (relating to Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency) or 32 U.S.C. § 502(f) (relating to required drills and field exercises), they shall be entitled to up to 15 days of additional military leave of absence in any one year without loss of pay, time and efficiency rating. All such officers and employees shall, in addition, be entitled to unpaid leave of absence from their respective duties without loss of seniority or efficiency rating on all days in excess of 30 days per year during which they shall be engaged in training or other military duty under orders authorized by Federal or State law up to the maximum cumulative period authorized by 38 U.S.C. Ch. 43.]

(1) *The following shall apply to paid military leaves of absence:*

(i) *All officers and employees of the Commonwealth, its political subdivisions or their instrumentalities shall be entitled to paid military leaves of absence from their respective duties without loss of pay or efficiency rating, and without being required to use annual vacation time, as follows:*

(A) *On all days during which they shall, as members of the Pennsylvania National Guard, be engaged in active State duty under section 508 (relating to active duty for emergency).*

(B) *On all days not exceeding 15 consecutive or non-consecutive days in any one year during which they shall, as members of the Pennsylvania National Guard or as members of any reserve component of the armed forces of the United States, be engaged in training or other military duty under orders authorized by Federal or State law.*

(ii) *All officers and employees of the Commonwealth or its instrumentalities, except for officers and employees of political subdivisions and their instrumentalities, shall be entitled to up to 15 days of paid military leave in addition to the leave under subparagraph (i) in any one year if the officers and employees are ordered to active duty, other than active duty for training, and all of the following apply:*

(A) *The duty is ordered for a period of at least 30 consecutive days.*

(B) *The duty is involuntary or is performed in a zone of combat, in response to a domestic emergency or pursuant to a contingency operations service agreement.*

(C) *The duty is performed while the member is deployed at least 50 miles away from both the member's home duty station and place of residence.*

(D) The duty is ordered under 10 U.S.C. § 12301 (relating to Reserve components generally), 12302 (relating to Ready Reserve) or 12304 (relating to Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency) or 32 U.S.C. § 502(f) (relating to required drills and field exercises).

(2) All officers and employees of the Commonwealth, a political subdivision, or their instrumentalities shall, in addition to the leave provided under this subsection, be entitled to unpaid military leave of absence, up to the maximum cumulative period authorized by 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services), from their respective duties without loss of seniority or efficiency rating and without being required to use annual vacation time on all days during which:

(i) they are engaged in training or other military duty under orders authorized by Federal or State law; and

(ii) they are not on paid military leave of absence.

(b) *Discretionary leave.*—The Commonwealth, its instrumentalities and political subdivisions [thereof] and their instrumentalities shall be authorized and permitted to provide paid military leave or other compensation and/or continue medical and other benefits to members of the Pennsylvania National Guard and other reserve components of the United States Armed Forces for days in excess of those provided in subsection (a) when the member shall be engaged in training or other military duty under orders authorized by Federal or State law.

(c) Calculation of leave.—

(1) An employee who is on paid or unpaid military leave for a period encompassing one entire calendar day shall be charged with one day's military leave on each workday notwithstanding the number of hours encompassed in the employee's workday. An employee on paid military leave shall be paid for the leave based on the compensation due for the leave period.

(2) An employee who is on paid or unpaid military leave of absence for a shift that extends into two consecutive calendar days shall be charged with only one day of military leave if the employee returns to work for the next regular shift.

Section 2. This act shall take effect immediately.

APPROVED—The 1st day of November, A.D. 2013

TOM CORBETT