



Senate

General Assembly

File No. 228

January Session, 2019

Substitute Senate Bill No. 863

Senate, March 28, 2019

The Committee on Veterans' Affairs reported through SEN. MARONEY of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EMPLOYMENT PROTECTION FOR MEMBERS OF THE CIVIL AIR PATROL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this
2 section:

3 (1) "Civil air patrol" means the civilian auxiliary of the United States
4 Air Force;

5 (2) "Employee" means an individual who receives wages or
6 remuneration for providing services to an employer; and

7 (3) "Employer" means a person that provides wages or
8 remuneration to one or more individuals who perform services for the
9 employer under an express or implied contract of hire, including the
10 state and any political subdivision of the state.

11 (b) Subject to the provisions of subsection (c) of this section, an
12 employer shall not discriminate against, discipline, or discharge an

13 employee because: (1) The employee is a member of the civil air patrol;
14 or (2) the employee is absent from work for the purpose of (A)
15 responding as a member of the civil air patrol to an emergency
16 declared by the Governor of this state or the President of the United
17 States, (B) responding as a member of the civil air patrol to a request
18 for assistance in an emergency, natural disaster or life-threatening
19 event at the request of the United States Air Force or Coast Guard, the
20 Department of Emergency Services and Public Protection, the Division
21 of Emergency Management and Homeland Security within the
22 Department of Emergency Services and Public Protection, the state
23 police or a local police department in this state, or (C) participating as a
24 member of the civil air patrol in required emergency services training
25 programs and exercises.

26 (c) In the case where the employee is absent from work for a
27 purpose set forth in subdivision (2) of subsection (b) of this section,
28 such employee shall (1) give his or her employer as much notice as
29 possible of the dates such employee will be absent for any purpose set
30 forth in subparagraph (A), (B) or (C) of subdivision (2) of subsection
31 (b) of this section, and (2) provide his or her employer with written
32 verification from the civil air patrol of the purpose of the employee's
33 absence, as set forth in subparagraph (A), (B) or (C) of subdivision (2)
34 of subsection (b) of this section.

35 (d) Nothing in subsections (a) to (c), inclusive, of this section shall be
36 construed to prohibit an employer from (1) treating the time the
37 employee is absent because of civil air patrol service for any purpose
38 set forth in subdivision (2) of subsection (b) of this section as unpaid
39 time off, or (2) complying with a collective bargaining agreement or
40 employee benefit plan entered into before October 1, 2019.

41 (e) An employee who is a member of the civil air patrol and is
42 trained and qualified to provide emergency services shall notify his or
43 her employer (1) by October 31, 2019, (2) by such employee's date of
44 employment with the employer, or (3) by the date on which such
45 employee joins the civil air patrol, whichever is latest, that such

46 employee may be called to participate in training or to serve in an
47 emergency, natural disaster or life-threatening event.

48 (f) Any employee aggrieved by a violation of subsection (b) of this
49 section may bring an action in the Superior Court to recover damages
50 and equitable relief.

51 Sec. 2. Section 5-249 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective October 1, 2019*):

53 (a) (1) Any state employee who is an active volunteer firefighter or
54 member of a volunteer ambulance service or company [(1)] (A) may,
55 with the authorization of such employee's appointing authority, be
56 permitted to leave work in order to respond to fire calls or ambulance
57 calls during such employee's regular hours of employment without
58 loss of pay, vacation time, sick leave or earned overtime accumulation,
59 or [(2)] (B) shall be permitted to respond to such calls prior to reporting
60 for work without such prior authorization and without loss of pay,
61 vacation time, sick leave or earned overtime accumulation, provided in
62 either case, if requested by such employee's appointing authority, such
63 employee submits a written statement from the chief of the volunteer
64 fire department or the medical director or chief administrator of the
65 volunteer ambulance service or company verifying that such employee
66 responded to a fire or ambulance call and specifying the date, time and
67 duration of such response.

68 (2) Any state employee who is an active member of the civil air
69 patrol, as defined in section 1 of this act, (A) may, with the
70 authorization of such employee's appointing authority, be permitted to
71 leave work in order to respond to an emergency, natural disaster or
72 life-threatening event during such employee's regular hours of
73 employment without loss of pay, vacation time, sick leave or earned
74 overtime accumulation, or (B) shall be permitted to respond to such
75 emergency, natural disaster or life- threatening event prior to reporting
76 for work without such prior authorization and without loss of pay,
77 vacation time, sick leave or earned overtime accumulation, provided in
78 either case, if requested by such employee's appointing authority, such

79 employee submits a written statement from the civil air patrol
80 verifying that such employee responded to an emergency, natural
81 disaster or life-threatening event and specifying the date, time and
82 duration of such response.

83 (b) Any state employee who is a certified disaster service volunteer
84 of the American Red Cross may, with the authorization of such
85 employee's supervisor, be granted a leave not to exceed fifteen
86 working days in each year to participate in specialized disaster relief
87 services for the American Red Cross, upon the request of the American
88 Red Cross, without loss of pay, vacation time, sick leave or earned
89 overtime accumulation.

90 (c) (1) Any state employee who is an active volunteer firefighter or
91 member of a volunteer ambulance service or company may, with the
92 authorization of such employee's appointing authority, be allowed to
93 attend training sessions or drills during such employee's regular hours
94 of employment without loss of pay, overtime accumulation or sick
95 leave.

96 (2) Any state employee who is an active member of the civil air
97 patrol may, with the authorization of such employee's appointing
98 authority, be allowed to attend required emergency services training
99 programs and exercises during such employee's regular hours of
100 employment without loss of pay, overtime accumulation or sick leave.

101 (d) Any state employee who is an active member of a volunteer
102 canine search and rescue team (1) may, with the authorization of such
103 employee's supervisor, be permitted to leave work in order to respond
104 to search or rescue calls during such employee's regular hours of
105 employment without loss of pay, vacation time, sick leave or earned
106 overtime accumulation, or (2) shall be permitted to respond to such
107 calls prior to reporting for work without such prior authorization and
108 without loss of pay, vacation time, sick leave or earned overtime
109 accumulation, provided in either case, if requested by such employee's
110 supervisor, such employee submits a written statement from the chief
111 of the police or fire department verifying that such employee

112 responded to a search or rescue call and specifying the date, time and
113 duration of such response. As used in this subsection, "volunteer
114 canine search and rescue team" means an individual and a dog (A)
115 appropriately trained and certified to engage in search and rescue
116 operations by a nonprofit canine search and rescue organization that is
117 a member of the National Association of Search and Rescue, or its
118 successor organization, and (B) who jointly engage in such operations
119 at the request of a police or fire department and provide services
120 without compensation.

121 (e) (1) Any state employee who is an active volunteer firefighter and
122 is injured on or after January 1, 2014, while serving in his or her
123 capacity as a volunteer firefighter, shall be permitted to collect sick
124 leave with pay for such injury pursuant to section 5-247, provided [(1)]
125 (A) such employee is eligible to receive such sick leave pay pursuant to
126 the provisions of said section, [(2)] (B) if requested by such employee's
127 appointing authority, such employee submits a written statement from
128 the chief of the volunteer fire department that such employee was
129 injured during a fire call and specifying the date, time and nature of
130 such injury, and [(3)] (C) the amount of weekly sick leave pay received
131 for such injury plus any weekly workers' compensation wage
132 replacement benefits received pursuant to section 7-314a or 7-314b for
133 such injury shall not exceed the weekly workers' compensation wage
134 replacement benefits such employee would have received had such
135 employee been injured in the course of his or her employment as a
136 state employee. A state employee's collection of sick leave pursuant to
137 this subsection shall not affect the seniority or accrual of pension
138 benefits of such state employee. The provisions of this subsection shall
139 not be construed to preempt or override the terms of any collective
140 bargaining agreement effective prior to July 1, 2015.

141 (2) Any state employee who is an active member of the civil air
142 patrol and is injured on or after October 1, 2019, while serving in his or
143 her capacity as a member of the civil air patrol, shall be permitted to
144 collect sick leave with pay for such injury pursuant to section 5-247,
145 provided (A) such employee is eligible to receive such sick leave pay

146 pursuant to the provisions of said section, and (B) if requested by such
 147 employee's appointing authority, such employee submits a written
 148 statement from the civil air patrol that such employee was injured
 149 during an emergency, natural disaster or life-threatening event and
 150 specifying the date, time and nature of such injury.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	5-249

Statement of Legislative Commissioners:

In Section 1(d), "qualified civil air patrol service" was changed to "civil air patrol service for any purpose set forth in subdivision (2) of subsection (b) of this section" for internal consistency and in Section 1(e), Subdiv. designators "(1)", "(2)" and "(3)" were inserted for clarity and "or joined" was deleted as unnecessary.

VA *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Various State Agencies	Various - Potential Cost

Note: Various=Various

Municipal Impact: None

Explanation

The bill allows state employees who are active members of the civil air patrol¹ to take paid leave to respond to an emergency, natural disaster or life-threatening event as declared by the governor or the president.

To the extent that an employee assists with an emergency there may be a potential cost to cover the work responsibilities of the employee out on paid leave. For example, the replacement cost of a State Police Trooper would be at least \$250/day or possibly higher if overtime was used to cover the employee's shift.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ The Connecticut Wing of the Civil Air Patrol currently has 344 adult members. It is not known how many members are state employees.

OLR Bill Analysis**sSB 863*****AN ACT CONCERNING EMPLOYMENT PROTECTION FOR MEMBERS OF THE CIVIL AIR PATROL.*****SUMMARY**

This bill prohibits an employer, including the state and its political subdivisions, from discriminating against, disciplining, or discharging an employee because the employee is (1) a civil air patrol member or (2) absent from work responding to certain emergencies or training as a civil air patrol member. Under the bill, the “civil air patrol” is the civilian auxiliary of the U. S. Air Force.

The bill:

1. establishes specific notice and verification requirements for employees who are civil patrol members;
2. specifies that its provisions must not be construed to prohibit an employer from (a) treating the employee’s absence as unpaid time off or (b) complying with a collective bargaining agreement or employee benefit plan entered into before October 1, 2019; and
3. specifically allows an aggrieved employee to sue to recover damages and equitable relief in the Superior Court.

It also allows state employees who are air patrol members to respond to emergencies and attend trainings without loss of pay, overtime accumulation, or sick leave. Also, state employees with civil air patrol service-related injuries on or after October 1, 2019, may receive sick leave with pay.

EFFECTIVE DATE: October 1, 2019

CIVIL AIR PATROL SERVICES

The bill's employment protections apply if the employee, is a civil air patrol member or is absent from work as a civil air patrol member in order to:

1. respond to an emergency declared by the governor or the U.S. president;
2. assist in an emergency, natural disaster, or life-threatening event at the request of the U.S. Air Force or Coast Guard, the Department of Emergency Services and Public Protection (DESPP), the Division of Emergency Management and Homeland Security within DESPP, the State Police or a local police department; or
3. participate in required emergency services training programs and exercises.

EMPLOYEE NOTICE AND VERIFICATION TO EMPLOYER

The bill requires employees who are absent from work for the reasons mentioned above to give their employers (1) as much notice as possible of the anticipated dates of absence and (2) written verification from the civil air patrol of the purpose of their absence.

The bill also requires an employee who is a civil air patrol member and trained and qualified to provide emergency services to notify the employer that he or she may be called to participate in training or to serve in an emergency, natural disaster, or life-threatening event. The employee must provide this notification by October 1, 2019, the date of employment, or the date on which the employee joins the civil air patrol, whichever is latest.

STATE EMPLOYEE-SPECIFIC PROVISIONS***Emergency Responses***

Under the bill, state employees may, with the authorization of the employee's appointing authority, respond to civil air patrol-related emergencies during regular working hours or before work without

authorization without loss of pay, overtime accumulation, or sick leave. If requested, the employee must submit a written statement from the civil air patrol (1) verifying that such employee responded to the emergency situation and (2) specifying the date, time, and duration of the response.

Training Programs and Exercises

Under the bill, a state employee who is an active member of the civil air patrol may, with the authorization of such employee's appointing authority, be allowed to attend required emergency services training programs and exercises during the employee's regular working hours without loss of pay, overtime accumulation, or sick leave.

Sick Leave for Injuries on or After October 1, 2019

Any state employee who is an active civil air patrol member and is injured on or after October 1, 2019, while serving in his or her capacity as a member of the civil air patrol, must be allowed to collect sick leave with pay for such injury. The employee must (1) be eligible to receive sick leave pay and (2) submit a written statement from the civil air patrol that such employee was injured during an emergency, natural disaster, or life-threatening event with the date, time, and nature of the injury.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 16 Nay 0 (03/12/2019)