

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 19-95—sSB 863

Veterans' Affairs Committee

Judiciary Committee

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

SUMMARY: This act 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 (i.e., civilian auxiliary of the U. S. Air Force) member or (2) absent from work responding to certain emergencies or for required training as a civil air patrol member.

The act:

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 Superior Court.

It 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 incurred on or after October 1, 2019, may receive sick leave with pay.

EFFECTIVE DATE: October 1, 2019

CIVIL AIR PATROL SERVICES

The act'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 act requires employees who are absent from work for the reasons

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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 act 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 give this notice by October 1, 2019, the first day 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 act, 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 act, 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.