



Substitute Senate Bill No. 863

Public Act No. 19-95

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:

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

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

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

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

(b) Subject to the provisions of subsection (c) of this section, an employer shall not discriminate against, discipline, or discharge an employee because: (1) The employee is a member of the civil air patrol; or (2) the employee is absent from work for the purpose of (A) responding as a member of the civil air patrol to an emergency declared by the Governor of this state or the President of the United

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States, (B) responding as a member of the civil air patrol to a request for assistance in an emergency, natural disaster or life-threatening event at the request of the United States Air Force or Coast Guard, the Department of Emergency Services and Public Protection, the Division of Emergency Management and Homeland Security within the Department of Emergency Services and Public Protection, the state police or a local police department in this state, or (C) participating as a member of the civil air patrol in required emergency services training programs and exercises.

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

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

(e) An employee who is a member of the civil air patrol and is trained and qualified to provide emergency services shall notify his or her employer (1) by October 31, 2019, (2) by such employee's date of employment with the employer, or (3) by the date on which such employee joins the civil air patrol, whichever is latest, that such employee may be called to participate in training or to serve in an emergency, natural disaster or life-threatening event.

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

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

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

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

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

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

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

(2) Any 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 such employee's regular hours of employment without loss of pay, overtime accumulation or sick leave.

(d) Any state employee who is an active member of a volunteer canine search and rescue team (1) may, with the authorization of such employee's supervisor, be permitted to leave work in order to respond to search or rescue calls during such employee's regular hours of employment without loss of pay, vacation time, sick leave or earned overtime accumulation, or (2) shall be permitted to respond to such calls prior to reporting for work without such prior authorization and without loss of pay, vacation time, sick leave or earned overtime

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accumulation, provided in either case, if requested by such employee's supervisor, such employee submits a written statement from the chief of the police or fire department verifying that such employee responded to a search or rescue call and specifying the date, time and duration of such response. As used in this subsection, "volunteer canine search and rescue team" means an individual and a dog (A) appropriately trained and certified to engage in search and rescue operations by a nonprofit canine search and rescue organization that is a member of the National Association of Search and Rescue, or its successor organization, and (B) who jointly engage in such operations at the request of a police or fire department and provide services without compensation.

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

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(2) Any state employee who is an active member of the civil air patrol and is injured on or after October 1, 2019, while serving in his or her capacity as a member of the civil air patrol, shall be permitted to collect sick leave with pay for such injury pursuant to section 5-247, provided (A) such employee is eligible to receive such sick leave pay pursuant to the provisions of said section, and (B) if requested by such employee's appointing authority, such employee submits a written statement from the civil air patrol that such employee was injured during an emergency, natural disaster or life-threatening event and specifying the date, time and nature of such injury.

Approved July 8, 2019