

The terms of appointive members of the Advisory Board shall be four years from the dates of their respective appointments. Term.

The Twenty-eighth Division Memorial Shrine Advisory Board shall act in an advisory capacity to the Pennsylvania Historical and Museum Commission, and shall have power to make suggestions for the improvement, care, maintenance, preservation and enlargement of the Twenty-eighth Division Shrine. Capacity of advisory board.

Section 4. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Historical and Museum Commission for the two fiscal years beginning June 1, 1957, for the payment of salaries, wages or other compensation of the superintendent, guards and workmen, which may be necessary, for the completion, care, preservation and maintenance of the "Twenty-eighth Division Shrine," for the necessary cost of materials, freight, fertilizers, seeds and other supplies, for plowing and mowing, for the purchase of trees and shrubs and for their planting, for the construction and improvements of roads and parking areas within the property, and for other purposes in connection with the same as shall be deemed proper. Appropriation.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 309

### AN ACT

To authorize military leaves of absence for employees of the Commonwealth or its departments, boards, bureaus, commissions, agencies and offices, and employees of counties, municipalities, townships, authorities or other political subdivisions of the Commonwealth, who are drafted into the military service of the United States at any time or who enlist therein in time of war or armed conflict; and providing reemployment, seniority and retirement rights.

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

Section 1. Short Title.—This act shall be known and may be cited as the "Veterans Preference Act of 1957." Veterans Preference Act of 1957.

Section 2. Definitions.—The following words, terms and phrases, when used in this act, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Be Drafted" shall mean to be drafted, to be ordered into active military service if a member of a reserve component of the armed forces, or in any way to

enter involuntarily, or remain in active military service, or to enter voluntarily into active military service for such period as is necessary to satisfy one's draft obligation.

(b) "Employee" shall mean any appointed officer or employee regularly employed by the Commonwealth of Pennsylvania, in its civil service or otherwise, or by any department, board, bureau, commission, agency or office thereof, or by any county, municipality, township, authority, or other political subdivision of the Commonwealth, but shall not mean any employee of any school district or vocational school district.

(c) "Enlist" shall mean to enlist, enroll, reenlist, or in any way voluntarily to enter or remain in active military service.

(d) "Active Military Service" shall mean active service in any of the armed services or forces of the United States or of the Commonwealth of Pennsylvania.

(e) "Reserve Component of the Armed Forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, Pennsylvania National Guard and Pennsylvania Air National Guard.

Section 3. Military Leaves of Absence.—Whenever any employee shall, in time of war or armed conflict, enlist or shall, at any time, be drafted into the active military service of the United States, he shall be automatically granted a military leave of absence. So long as an employee is on military leave of absence, he shall not be removed from his employment and his duties shall either be performed by other employees or by a temporary substitute. During such time he shall not receive any remuneration from his civilian employer.

Section 4. Expiration of Military Leaves of Absence.—Every military leave of absence granted to an employee by reason of his enlistment in the active military service in time of war or armed conflict, shall expire ninety (90) days after the expiration of the first period of his enlistment to expire at a time when the United States is not engaged in a war or armed conflict. Every military leave of absence granted to an employee by reason of his having been drafted shall expire ninety (90) days after the expiration of the period for which he was drafted.

Section 5. Reemployment.—Every employee shall have the right to return to his employment at any time prior to the expiration of his military leave of absence upon notifying his employer of his desire and availability so to return.

Section 6. Seniority Rights.—Every employee who returns to his employment at the time of or prior to the expiration of his military leave of absence, shall be restored as provided in section 5, in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

Section 7. Retirement Rights.—Any employee who is a member of a retirement system at the time he is granted a military leave of absence shall be entitled to exercise any one of the following options in regard thereto:

(a) He may continue to make regular payments into the fund during the period of his military leave of absence. The amount of such payments shall be the same as they would have been, had he not been granted a military leave of absence, but had instead remained actively in his employment. The time of making such payments shall be mutually agreed \* upon by the employee and the retirement association of which he is a member, but in no event shall be less frequent than semi-annually. The employer shall make its contributions on the same basis as is used to compute the \*\*employee's contributions. In this case, his retirement rights shall be determined on the basis that he was in the active, continuous and uninterrupted employ of his employer for the period during which he was on military leave of absence.

(b) He may discontinue making payments into the fund during the period of his military leave of absence. In such event, the employer shall also discontinue making its contributions during this period. In this case, his retirement rights shall be determined by completely disregarding the period of his military leave of absence for all purposes.

Any employee, desiring to exercise option (a) above, shall so signify, in writing, to the retirement association of which he is a member within sixty (60) days after the commencement of his military leave of absence or within sixty (60) days after the enactment of this act, whichever shall later occur. Any employee who does not exercise option (a) in this manner will be deemed to have exercised option (b).

Any employee who has exercised option (b), but who, upon the expiration of his military leave of absence, returns to his employment and desires to receive the benefits of option (a), shall have the right to re-

\* "agreed" in original.

\*\* "employee" in original.

ceive such benefits if he shall comply with the following requirements:

(1) He shall, within six (6) months after he returns to his employment, give written notice to the retirement association of which he is a member of his desire to receive the benefits of option (a).

(2) He shall pay into the retirement fund an amount equal to the total payments he would have made had \*he exercised option (a). Payment of such amount may be spread over a period of time agreeable to the retirement association and the employee, which in no event shall exceed a period commencing with the date he returned to his employment and equal in duration to the duration of his military leave of absence. Such agreed upon payments shall be made in the same manner as his regular payments into the fund are made. In this case, his employer shall pay into the fund an amount equal to the total payments it would have made had the employee exercised option (a). Payment of such amount by the employer shall be spread over the same time as the employee's payments.

Section 8. Eligibility.—Every employee otherwise eligible for a military leave of absence shall be granted a military leave of absence commencing upon the date of his eligibility therefor, regardless of whether such date occurred before or after the enactment of this act.

Section 9. Loss of Benefits.—Any employee who is separated from the service by an undesirable, bad conduct or dishonorable discharge shall not be entitled to any of the benefits of this act, except such vested rights as he may have acquired prior thereto by virtue of payments made pursuant to his exercise of option (a) of section seven.

Section 10. Repeals.—The act, approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws 600), entitled “An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have

\* “be” in original.

dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," and its amendments, is hereby repealed.

All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Section 11. *Effective Date.*—This act shall become effective immediately upon final enactment. Effective date.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 310

AN ACT

Amending the act of June 11, 1935 (P. L. 326), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," changing conditions upon which county commissioners may contribute toward funeral expenses of deceased service personnel.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Counties of the first class.

Section 1. The first paragraph of section 2, sections 3 and 4, act of June 11, 1935 (P. L. 326), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," amended May 9, 1949 (P. L. 974), are amended to read: First paragraph, section 2, sections 3 and 4, act of June 11, 1935, P. L. 326, amended May 9, 1949, P. L. 974, further amended.

Section 2. *Sum to be Spent.*—The county commissioners of any county of the first class of this State are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) towards the funeral expenses of each deceased service person in the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death, and where the total expenses of the funeral does not exceed [six hundred dollars (\$600)] *eight hundred dollars (\$800.00)*: Provided, That in the case of any de-