

No. 2006-150

AN ACT

SB 1266

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain leaves of absence.

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

Section 1. Section 4102(a) 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) [**other than active duty for training, for a period of 30 or more consecutive days,**] *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.

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Section 2. This act shall be retroactive to January 1, 2005, for officers and employees who did not qualify under 51 Pa.C.S. § 4102(a)(2), as amended by the act of November 1, 2005 (P.L.327, No.62), entitled "An act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for leaves of absence for certain government employees; and making a repeal relating to military leaves of absence," and shall apply prospectively for all other officers and employees.

Section 3. This act shall take effect in 60 days.

APPROVED—The 9th day of November, A.D. 2006.

EDWARD G. RENDELL