

No. 2005-62

AN ACT

HB 1069

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.

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

Section 1. Section 4102 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 [the Commonwealth, or its instrumentalities, or any] a political subdivision [thereof], 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 to active duty 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, 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.

(b) Discretionary.—The Commonwealth, its instrumentalities and political subdivisions thereof and their instrumentalities shall be authorized and permitted to provide paid military leave or other compensation and/or continue medical and other benefits to members of the Pennsylvania National Guard and other reserve components of the United States Armed Forces for days in excess of [15 per year] *those provided in subsection (a)* when the member shall be engaged in training or other military duty under orders authorized by *Federal or State law*.

Section 2. The act of July 12, 1935 (P.L.677, No.255), entitled “An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States,” is repealed.

Section 3. This act shall be retroactive to January 1, 2005.

Section 4. This act shall take effect immediately.

APPROVED—The 1st day of November, A.D. 2005.

EDWARD G. RENDELL