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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1069 Session of 2005

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INTRODUCED BY BELFANTI, VEON, DeWEESE, ARMSTRONG, BARRAR, BEBKO-JONES, BELARDI, YOUNGBLOOD, BIANCUCCI, BISHOP, BLACKWELL, BLAUM, BUNT, CALTAGIRONE, COHEN, CURRY, DeLUCA, EACHUS, FRANKEL, GEIST, GERGELY, GOODMAN, GRUITZA, HARHAI, JAMES, KENNEY, LEDERER, YEWIC, McCALL, MELIO, PALLONE, PISTELLA, RAMALEY, READSHAW, BROWNE, BUXTON, CAPPELLI, COSTA, DALEY, DERMODY, FABRIZIO, FREEMAN, GEORGE, GINGRICH, GRUCELA, HANNA, HASAY, JOSEPHS, KOTIK, LEVDANSKY, MARKOSEK, McGEEHAN, MUNDY, PHILLIPS, PRESTON, RAYMOND, ROONEY, WASHINGTON, SCAVELLO, SHAPIRO, STABACK, STURLA, YUDICHAK, THOMAS, WALKO, SAYLOR, SHANER, SOLOBAY, STETLER, SURRA, E. Z. TAYLOR, WANSACZ, WOJNAROSKI, SAINATO, CIVERA, MUSTIO, TRUE, MARSICO, BOYD, ZUG, KAUFFMAN, FEESE, HUTCHINSON, REICHLEY, MAJOR, NICKOL, BALDWIN, PAYNE, S. MILLER, HICKERNELL, RUBLEY, WRIGHT, BASTIAN, HABAY, GERBER AND ALLEN, MARCH 23, 2005

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SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, SEPTEMBER 26, 2005

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AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, further providing for leaves of  
3 absence for certain government employees; and making a repeal  
4 relating to military leaves of absence.

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

7 Section 1. Section 4102 of Title 51 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 4102. Leaves of absence for certain government employees.

10 (a) Mandatory.--

11 (1) All officers and employees of [the Commonwealth, or

1 its instrumentalities, or any] a political subdivision  
2 [thereof], or its instrumentalities, who are members of the  
3 Pennsylvania National Guard, shall be entitled to leave of  
4 absence from their respective duties without loss of pay,  
5 time or efficiency rating on all days during which they  
6 shall, as members of the Pennsylvania National Guard, be  
7 engaged in active State duty. All such officers and employees  
8 shall, in addition, be entitled to leave of absence from  
9 their respective duties without loss of pay, time or  
10 efficiency rating on all days not exceeding 15 days in any  
11 one year during which they shall, as members of the  
12 Pennsylvania National Guard or as members of any reserve  
13 component of the armed forces of the United States, be  
14 engaged in training or other military duty under orders  
15 authorized by Federal or State law. All such officers and  
16 employees shall, in addition, be entitled to unpaid leave of  
17 absence from their respective duties without loss of  
18 seniority or efficiency rating on all days in excess of 15  
19 days per year during which they shall be engaged in training  
20 or other military duty under orders authorized by Federal or  
21 State law.

22 (2) All officers and employees of the Commonwealth or  
23 its instrumentalities who are members of the Pennsylvania  
24 National Guard shall be entitled to leave of absence from  
25 their respective duties without loss of pay, time or  
26 efficiency rating on all days during which they shall, as  
27 members of the Pennsylvania National Guard, be engaged in  
28 active State duty. All such officers and employees shall, in  
29 addition, be entitled to leave of absence from their  
30 respective duties without loss of pay, time or efficiency

1 rating on all days not exceeding 15 days in any ONE year <—  
2 during which they shall, as members of the Pennsylvania  
3 National Guard or as members of any reserve component of the  
4 armed forces of the United States, be engaged in training or  
5 other military duty under orders authorized by Federal or  
6 State law. In addition, when such officers and employees  
7 shall be ordered to active duty, other than active duty for  
8 training, for a period of 30 or more consecutive days, they  
9 shall be entitled to up to 15 days of additional military  
10 leave of absence in any one year without loss of pay, time  
11 and efficiency rating. All such officers and employees shall,  
12 in addition, be entitled to unpaid leave of absence from  
13 their respective duties without loss of seniority or  
14 efficiency rating on all days in excess of 30 days per year  
15 during which they shall be engaged in training or other  
16 military duty under orders authorized by Federal or State  
17 law.

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

27 Section 2. ~~Section 1 of the~~ THE act of July 12, 1935 <—  
28 (P.L.677, No.255), entitled "An act to fix the status of  
29 officers and employes of the Commonwealth and political  
30 subdivisions thereof while in training with the armed forces of

1 the United States," is repealed.

2 ~~Section 3. This act shall take effect in 60 days.~~ <—

3 SECTION 3. THIS ACT SHALL BE RETROACTIVE TO JANUARY 1, 2005. <—

4 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.