
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1630 Session of
1999

INTRODUCED BY TANGRETTI, MICHLOVIC, GRUCELA, VEON, GEORGE,
BATTISTO, TRAVAGLIO, YUDICHAK, LaGROTTA, CAPPABIANCA,
BELFANTI, DeWEESE, LEDERER, COSTA, LAUGHLIN, KAISER, HALUSKA,
SOLOBAY, SANTONI, MYERS, HARHAI, PISTELLA, ORIE, SHANER,
TRICH, STABACK, VAN HORNE, MAYERNIK, KENNEY, JAMES, WRIGHT,
ARMSTRONG, FREEMAN, JOSEPHS, DeLUCA, FARGO, HANNA, SCRIMENTI,
LUCYK, TRELLO, GIGLIOTTI, CURRY, MELIO, TIGUE, SCHRODER,
READSHAW, HESS, HERSHEY, McCALL, BELARDI AND SCHULER,
JUNE 9, 1999

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 9, 1999

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, further providing for extension of
3 benefits during active military duty.

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

6 Section 1. Section 7309 of Title 51 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7309. Employment discrimination for military membership or
9 duty.

10 (a) General rule.--It is unlawful for the Commonwealth or
11 any of its departments, boards, commissions, agencies or any
12 political subdivision, or for any private employer, to refuse to
13 hire or employ any individual not on extended active duty
14 because of his membership in the National Guard or any one of

1 the other reserve components of the armed forces of the United
2 States, or because he is called or ordered to active State duty
3 or special State duty by the Governor during an emergency or as
4 otherwise authorized by law, or because he is called or ordered
5 to active duty by the Federal Government under provisions of 10
6 U.S.C. (relating to armed forces) or 32 U.S.C. (relating to
7 National Guard), or to discharge from employment such
8 individual, or to otherwise discriminate against such individual
9 with respect to compensation, hire, tenure, terms, conditions or
10 privileges of employment because of such membership, or because
11 he is called or ordered to active State duty by the Governor
12 during an emergency or because he is called or ordered to other
13 military duty authorized by law.

14 (b) Reemployment following emergency or other military
15 duty.--Upon the completion of such emergency or other military
16 duty any such member of the Pennsylvania National Guard or any
17 other reserve component of the armed forces of the United States
18 shall be restored by such public or private employer or his
19 successor in interest to such position or to a position of like
20 seniority, status and pay which such member held prior to such
21 emergency or other military duty, but if any such member is not
22 qualified to perform the duties of such position by reason of
23 disability sustained during such emergency or other military
24 duty but qualified to perform the duties of any other position
25 in the employ of such private employer or his successor in
26 interest, such member shall be restored to such other position,
27 the duties of which he is qualified to perform, as will provide
28 him like seniority, status and pay, or the nearest approximation
29 thereof consistent with the circumstances of the case, unless
30 such public or private employer's or his successor in interests,

1 circumstances have so changed as to make it impossible or
2 unreasonable to do so.

3 (c) Extension of benefits during military duty.--Whenever a
4 member of the Pennsylvania National Guard is called or ordered
5 into active Federal service or active State duty under orders
6 authorized by law or a member of any reserve component is called
7 or ordered onto active duty, other than active duty for
8 training, the [public or] private employer of the member shall,
9 at no cost to the member, continue health insurance and other
10 benefits in effect for at least the first 30 days of the
11 military duty. After the expiration of the first 30 days, the
12 [public or] private employer shall give the member of the
13 National Guard or other reserve component the voluntary option
14 of continuing such health insurance and other benefits in effect
15 at his own expense by paying for the insurance or benefits at
16 the same rates paid by the employer, and the insurance coverage
17 shall continue, except for injuries incurred in the line of
18 military duty. The public employer, meaning the Commonwealth and
19 any political subdivision, of any employee who is a member of
20 the National Guard who is called or ordered into active duty
21 shall, at no cost to the member, continue health insurance and
22 other benefits in effect until the member has returned from
23 active military duty. If the public employer can not legally
24 maintain such coverage, it shall be responsible for the payment
25 of all medical costs not paid by other insurance coverage of
26 such member or his dependents while the member is on active
27 military duty. The Commonwealth shall reimburse any political
28 subdivision or other local entity for costs incurred under this
29 section.

30 Section 2. This act shall take effect immediately.