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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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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 28, 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 UP TO THE MAXIMUM CUMULATIVE PERIOD AUTHORIZED BY <—  
22 38 U.S.C. CH. 43 (RELATING TO EMPLOYMENT AND REEMPLOYMENT  
23 RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES).

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

1 addition, be entitled to leave of absence from their  
2 respective duties without loss of pay, time or efficiency  
3 rating on all days not exceeding 15 days in any ONE year <—  
4 during which they shall, as members of the Pennsylvania  
5 National Guard or as members of any reserve component of the  
6 armed forces of the United States, be engaged in training or  
7 other military duty under orders authorized by Federal or  
8 State law. In addition, when such officers and employees  
9 shall be ordered to active duty UNDER 10 U.S.C. § 12301 <—  
10 (RELATING TO RESERVE COMPONENTS GENERALLY), 12302 (RELATING  
11 TO READY RESERVE) OR 12304 (RELATING TO SELECTED RESERVE AND  
12 CERTAIN INDIVIDUAL READY RESERVE MEMBERS; ORDER TO ACTIVE  
13 DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY), other than  
14 active duty for training, for a period of 30 or more  
15 consecutive days, they shall be entitled to up to 15 days of  
16 additional military leave of absence in any one year without  
17 loss of pay, time and efficiency rating. All such officers  
18 and employees shall, in addition, be entitled to unpaid leave  
19 of absence from their respective duties without loss of  
20 seniority or efficiency rating on all days in excess of 30  
21 days per year during which they shall be engaged in training  
22 or other military duty under orders authorized by Federal or  
23 State law UP TO THE MAXIMUM CUMULATIVE PERIOD AUTHORIZED BY <—  
24 38 U.S.C. CH. 43.

25 (b) Discretionary.--The Commonwealth, its instrumentalities  
26 and political subdivisions thereof and their instrumentalities  
27 shall be authorized and permitted to provide paid military leave  
28 or other compensation and/or continue medical and other benefits  
29 to members of the Pennsylvania National Guard and other reserve  
30 components of the United States Armed Forces for days in excess

1 of [15 per year] those provided in subsection (a) when the  
2 member shall be engaged in training or other military duty under  
3 orders authorized by Federal or State law.

4 Section 2. ~~Section 1 of the~~ THE act of July 12, 1935 <—  
5 (P.L.677, No.255), entitled "An act to fix the status of  
6 officers and employes of the Commonwealth and political  
7 subdivisions thereof while in training with the armed forces of  
8 the United States," is repealed.

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

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

11 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.