

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1266** Session of
2006

INTRODUCED BY CORMAN, D. WHITE, FONTANA, FUMO, PUNT, LEMMOND,
BOSCOLA, MADIGAN, TARTAGLIONE, WENGER, ARMSTRONG, PICCOLA,
GORDNER, PIPPY, ERICKSON, PILEGGI, M. WHITE, GREENLEAF,
EARLL, REGOLA, WONDERLING AND WASHINGTON, JUNE 22, 2006

SENATOR WENGER, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 25, 2006

AN ACT

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

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

6 Section 1. Section 4102(a) of Title 51 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4102. Leaves of absence for certain government employees.

9 (a) Mandatory.--

10 (1) All officers and employees of a political
11 subdivision, or its instrumentalities, who are members of the
12 Pennsylvania National Guard, shall be entitled to leave of
13 absence from their respective duties without loss of pay,
14 time or efficiency rating on all days during which they
15 shall, as members of the Pennsylvania National Guard, be
16 engaged in active State duty. All such officers and employees
17 shall, in addition, be entitled to leave of absence from

1 their respective duties without loss of pay, time or
2 efficiency rating on all days not exceeding 15 days in any
3 one year during which they shall, as members of the
4 Pennsylvania National Guard or as members of any reserve
5 component of the armed forces of the United States, be
6 engaged in training or other military duty under orders
7 authorized by Federal or State law. All such officers and
8 employees shall, in addition, be entitled to unpaid leave of
9 absence from their respective duties without loss of
10 seniority or efficiency rating on all days in excess of 15
11 days per year during which they shall be engaged in training
12 or other military duty under orders authorized by Federal or
13 State law up to the maximum cumulative period authorized by
14 38 U.S.C. Ch. 43 (relating to employment and reemployment
15 rights of members of the uniformed services).

16 (2) All officers and employees of the Commonwealth or
17 its instrumentalities who are members of the Pennsylvania
18 National Guard shall be entitled to leave of absence from
19 their respective duties without loss of pay, time or
20 efficiency rating on all days during which they shall, as
21 members of the Pennsylvania National Guard, be engaged in
22 active State duty. All such officers and employees shall, in
23 addition, be entitled to leave of absence from their
24 respective duties without loss of pay, time or efficiency
25 rating on all days not exceeding 15 days in any one year
26 during which they shall, as members of the Pennsylvania
27 National Guard or as members of any reserve component of the
28 armed forces of the United States, be engaged in training or
29 other military duty under orders authorized by Federal or
30 State law. In addition, when such officers and employees

1 shall be ordered involuntarily, or under a Contingency
2 Operations Temporary Tour of Active Duty (COTTAD) agreement
3 or voluntarily to serve in a combat zone or in response to a
4 domestic emergency, to active duty, other than active duty
5 for training, for a period of ~~more than 30~~ 30 OR MORE <—
6 consecutive days and assigned to duties away from home
7 station and when such duty is ordered under 10 U.S.C. § 12301
8 (relating to Reserve components generally), 12302 (relating
9 to Ready Reserve) or 12304 (relating to Selected Reserve and
10 certain Individual Ready Reserve members; order to active
11 duty other than during war or national emergency) [, other
12 than active duty for training, for a period of 30 or more
13 consecutive days,] or 32 U.S.C. § 502(f) (relating to
14 required drills and field exercises), they shall be entitled
15 to up to 15 days of additional military leave of absence in
16 any one year without loss of pay, time and efficiency rating.
17 All such officers and employees shall, in addition, be
18 entitled to unpaid leave of absence from their respective
19 duties without loss of seniority or efficiency rating on all
20 days in excess of 30 days per year during which they shall be
21 engaged in training or other military duty under orders
22 authorized by Federal or State law up to the maximum
23 cumulative period authorized by 38 U.S.C. Ch. 43.

24 * * *

25 Section 2. This act shall be retroactive to January 1, 2005, <—
26 FOR OFFICERS AND EMPLOYEES WHO DID NOT QUALIFY UNDER 51 PA.C.S.
27 § 4102(A)(2), AS AMENDED BY THE ACT OF NOVEMBER 1, 2005
28 (P.L.327, NO.62), ENTITLED "AN ACT AMENDING TITLE 51 (MILITARY
29 AFFAIRS) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER
30 PROVIDING FOR LEAVES OF ABSENCE FOR CERTAIN GOVERNMENT

1 EMPLOYEES; AND MAKING A REPEAL RELATING TO MILITARY LEAVES OF
2 ABSENCE," AND SHALL APPLY PROSPECTIVELY FOR ALL OTHER OFFICERS
3 AND EMPLOYEES.

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