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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 352 Session of  
2013

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INTRODUCED BY REED, M. K. KELLER, V. BROWN, BOBACK, CAUSER,  
FLECK, KORTZ, MARSHALL, CARROLL, CUTLER, TALLMAN, ROCK, HESS,  
WATSON, MILLER, SWANGER, MOLCHANY, GOODMAN, MURT, COHEN,  
FARRY AND BRADFORD, JANUARY 29, 2013

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, JANUARY 29, 2013

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in Commonwealth services, providing  
3 for volunteer emergency response personnel.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 7309. Volunteer emergency response personnel.

9 (a) Emergency assignments.--

10 (1) Employees who are volunteer health or emergency  
11 response personnel are entitled to a leave of absence from  
12 their respective duties without loss of time or efficiency  
13 rating on all days they are engaged in a declared emergency  
14 response.

15 (2) Any person whose employment with an employer is  
16 interrupted by a period of service as a member of volunteer  
17 health or emergency response personnel shall be permitted,

1 upon request of that person, to use during such period of  
2 service any vacation, annual or similar leave with pay  
3 accrued by the person before the commencement of such  
4 service. No employer may require any such person to use  
5 vacation, annual or similar leave during such period of  
6 service.

7 (b) Requirements.--

8 (1) Employees who are volunteers must be members of a  
9 bona fide health or emergency response organization  
10 recognized by the Department of Health or the agency.

11 (2) The organization or employee must be acting under a  
12 declared emergency by the Federal, State or local government,  
13 and all persons must be deemed responding under the  
14 operational control of the requesting Federal, State or local  
15 government.

16 (3) It shall be the responsibility of the employee to  
17 supply his employer with a statement from the head of the  
18 responding organization or government stating that the  
19 services of the employee are needed. If the employee is  
20 unable to provide said statement prior to responding to an  
21 emergency, then the employee shall make a good faith effort  
22 to inform his employer at the earliest possible time.

23 (4) The employer shall have the burden of proving that  
24 an employee knowingly and willfully failed to provide notice.

25 (5) An employee who takes a leave of absence as provided  
26 for under this section shall be deemed to have notified the  
27 employer of the employee's intent to return to his employment  
28 when his services are no longer needed as determined by the  
29 head of the responding organization or government.

30 (6) The leave authorized under this section shall be for

1     up to 15 days.

2     (c) Discretionary leave.--Nothing in this section shall be  
3 construed to prohibit employers from providing paid leave or  
4 other compensation or continued medical and other benefits to an  
5 employee requesting a leave of absence under this section or for  
6 any days in excess of those provided in subsection (b).

7     Section 2. This act shall take effect in 60 days.