
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 869 Session of
2005

INTRODUCED BY D. WHITE, ROBBINS, RHOADES, JUBELIRER, TOMLINSON,
WENGER, ORIE, MELLOW, ERICKSON, C. WILLIAMS, RAFFERTY,
BROWNE, EARLL, WOZNIAK, PILEGGI, LOGAN, PUNT, PIPPY, BOSCOLA,
TARTAGLIONE, KASUNIC, COSTA, GORDNER, MUSTO, CORMAN, FONTANA,
STOUT AND STACK, SEPTEMBER 19, 2005

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
SEPTEMBER 19, 2005

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for extension of health
3 insurance benefits for certain military personnel who were
4 full-time students at time of deployment.

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

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

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

11 (a) General rule.--It is unlawful for the Commonwealth or
12 any of its departments, boards, commissions, agencies or any
13 political subdivision, or for any private employer, to refuse to
14 hire or employ any individual not on extended active duty
15 because of his membership in the National Guard or any one of
16 the other reserve components of the armed forces of the United
17 States, or because he is called or ordered to active State duty

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

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

1 (c) Extension of benefits during military duty.--Whenever a
2 member of the Pennsylvania National Guard is called or ordered
3 into active Federal service or active State duty under orders
4 authorized by law or a member of any reserve component is called
5 or ordered onto active duty, other than active duty for
6 training, the public or private employer of the member shall, at
7 no cost to the member, continue health insurance and other
8 benefits in effect for at least the first 30 days of the
9 military duty. After the expiration of the first 30 days, the
10 public or private employer shall give the member of the National
11 Guard or other reserve component the voluntary option of
12 continuing such health insurance and other benefits in effect at
13 his own expense by paying for the insurance or benefits at the
14 same rates paid by the employer, and the insurance coverage
15 shall continue, except for injuries incurred in the line of
16 military duty.

17 (d) Termination of certain health insurance benefits.--

18 (1) As used in this subsection, the term "eligible
19 member" applies to full-time students, who are eligible for
20 health insurance coverage under their parents' health
21 insurance policies, when the students are:

22 (i) members of the Pennsylvania National Guard or
23 any reserve component of the armed forces of the United
24 States who are called or ordered to active duty, other
25 than active duty for training, for a period of 30 or more
26 consecutive days; or

27 (ii) members of the Pennsylvania National Guard
28 ordered to active State duty, including duty under 35
29 Pa.C.S. Ch. 76 (relating to Emergency Management
30 Assistance Compact), for a period of 30 or more

1 consecutive days.

2 (2) The eligibility for health insurance coverage under
3 a parent's health insurance coverage for eligible members as
4 defined in paragraph (1) shall be extended for a period equal
5 to the duration of the eligible member's service on active
6 duty or active State duty. The eligibility of an eligible
7 member who is a full-time student for health insurance
8 coverage under a parent's coverage shall not terminate
9 because of the age of the eligible member when the member's
10 educational program was interrupted because of military duty.

11 (3) In order to qualify for this extension, the eligible
12 member must reenroll as a full-time student for the first
13 term or semester starting after his or her release from
14 active duty.

15 Section 2. This act shall take effect immediately.