

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1058 Session of 2011

INTRODUCED BY REED, CARROLL, CAUSER, COHEN, DONATUCCI,
 EVANKOVICH, FARRY, FLECK, GEIST, GILLEN, GINGRICH, GODSHALL,
 GOODMAN, GROVE, HEFFLEY, HESS, HORNAMAN, M. K. KELLER,
 MARSHALL, MILLER, MILNE, PYLE, REICHLEY, ROCK, SCAVELLO,
 TALLMAN, J. TAYLOR AND WATSON, MARCH 15, 2011

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
 PREPAREDNESS, MARCH 15, 2011

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

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

8 (b) Requirements.--

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

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

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

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

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

1 (6) The leave authorized under this section shall be for
2 up to 15 days.

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

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