
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 88 Session of
2013

INTRODUCED BY MILLER, GINGRICH, AUMENT, M. K. KELLER, HESS,
SWANGER, FLECK, HENNESSEY, QUINN, MCGEEHAN, TALLMAN, KORTZ,
PICKETT, BIZZARRO, COHEN, READSHAW, DAVIDSON, ROCK,
EVANKOVICH AND GROVE, JANUARY 10, 2013

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JANUARY 10, 2013

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in rights and immunities, further
3 providing for leaves of absence for certain government
4 employees.

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

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

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

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

23 (1) The following shall apply to paid military leaves of
24 absence:

25 (i) All officers and employees of the Commonwealth,
26 its political subdivisions or their instrumentalities
27 shall be entitled to paid military leaves of absence from
28 their respective duties without loss of pay or efficiency
29 rating, and without being required to use annual vacation
30 time, as follows:

1 (A) On all days during which they shall, as
2 members of the Pennsylvania National Guard, be
3 engaged in active State duty under section 508
4 (relating to active duty for emergency).

5 (B) On all days not exceeding 15 consecutive or
6 nonconsecutive days in any one calendar year during
7 which they shall, as members of the Pennsylvania
8 National Guard or as members of any reserve component
9 of the armed forces of the United States, be engaged
10 in training or other military duty under orders
11 authorized by Federal or State law.

12 (ii) All officers and employees of the Commonwealth
13 or its instrumentalities, except for officers and
14 employees of political subdivisions and their
15 instrumentalities, shall be entitled to up to 15 days of
16 paid military leave in addition to the leave under
17 subparagraph (i) in any one calendar year if the officers
18 and employees are ordered to active duty, other than
19 active duty for training, and all of the following apply:

20 (A) The duty is ordered for a period of at least
21 30 consecutive days.

22 (B) The duty is involuntary or is performed in a
23 zone of combat, in response to a domestic emergency
24 or pursuant to a contingency operations service
25 agreement.

26 (C) The duty is performed while the member is
27 deployed at least 50 miles away from both the
28 member's home duty station and place of residence.

29 (D) The duty is ordered under 10 U.S.C. § 12301
30 (relating to Reserve components generally), 12302

1 (relating to Ready Reserve) or 12304 (relating to
2 Selected Reserve and certain Individual Ready Reserve
3 members; order to active duty other than during war
4 or national emergency) or 32 U.S.C. § 502(f)
5 (relating to required drills and field exercises).

6 (2) All officers and employees of the Commonwealth, a
7 political subdivision, or their instrumentalities shall, in
8 addition to the leave provided under this subsection, be
9 entitled to unpaid military leave of absence, up to the
10 maximum cumulative period authorized by 38 U.S.C. Ch. 43
11 (relating to employment and reemployment rights of members of
12 the uniformed services), from their respective duties without
13 loss of seniority or efficiency rating and without being
14 required to use annual vacation time on all days during
15 which:

- 16 (i) they are engaged in training or other military
17 duty under orders authorized by Federal or State law; and
18 (ii) they are not on paid military leave of absence.

19 (b) Discretionary leave.--The Commonwealth, its
20 instrumentalities and political subdivisions [thereof] and their
21 instrumentalities shall be authorized and permitted to provide
22 paid military leave or other compensation and/or continue
23 medical and other benefits to members of the Pennsylvania
24 National Guard and other reserve components of the United States
25 Armed Forces for days in excess of those provided in subsection
26 (a) when the member shall be engaged in training or other
27 military duty under orders authorized by Federal or State law.

28 (c) Return from leave.--

29 (1) All officers and employees of the Commonwealth, its
30 political subdivisions or their instrumentalities shall not

1 be required to report back to the employer earlier than
2 either of the following:

3 (i) The beginning of the first full regularly
4 scheduled work period on the first full calendar day
5 following the completion of the period of military
6 service.

7 (ii) The expiration of eight hours after a period
8 allowing for safe transportation from the place of that
9 service to the employee's residence.

10 (2) An officer or employee may voluntarily choose to
11 return to duty within the period of time under paragraph (1).

12 (d) Calculation of leave.--

13 (1) Military leaves of absence shall be calculated or
14 allotted in whole work days. Military leaves of absence may
15 not be calculated or allotted on an hour-by-hour basis.

16 (2) An employee who is on paid or unpaid military leave
17 of absence for a shift that extends into two consecutive
18 calendar days shall be charged with only one day of military
19 leave if the employee returns to work for the next regular
20 shift.

21 (3) As used in this subsection, the term "day" shall
22 mean a calendar day of 24 hours' duration.

23 Section 2. This act shall take effect immediately.