

1 AN ACT relating to employment protections for members of the Civil Air Patrol.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Employee" means any individual employed by any employer; and

7 (b) "Employer":

8 1. Means any person, either individual, corporation, partnership, agency,  
9 or firm who employs an employee and includes any person, either  
10 individual, corporation, partnership, agency, or firm acting directly or  
11 indirectly in the interest of an employer in relation to an employee;  
12 and

13 2. Includes cities, counties, urban-county governments, charter county  
14 governments, unified local governments, consolidated local  
15 governments, and special districts.

16 (2) Subject to subsection (4) of this section, an employer shall not discriminate  
17 against, discipline, or discharge an employee because:

18 (a) The employee is a member of the Civil Air Patrol; or

19 (b) The employee is absent from work when:

20 1. The absence is for the purpose of responding as a member of the Civil  
21 Air Patrol to:

22 a. An emergency declared by the Governor or the President of the  
23 United States; or

24 b. A mission directed from the Air Force Rescue Coordination  
25 Center;

26 2. The employee gives his or her employer as much notice as possible of  
27 the dates he or she will be absent to serve with the Civil Air Patrol

1 during the emergency; and

2 3. The employee provides his or her employer with verification from the  
3 Civil Air Patrol of the emergency need for his or her volunteer service.

4 (3) Any employee who is a member of the Civil Air Patrol and was absent under the  
5 conditions set out in subsection (2)(b) of this section, upon his or her return from  
6 emergency Civil Air Patrol service, shall be permitted to return to his or her  
7 former position of employment with the seniority, status, pay, or any other rights  
8 or benefits he or she would have had if he or she had not been absent.

9 (4) This section shall not prohibit an employer from:

10 (a) Treating the time the employee is absent because of emergency Civil Air  
11 Patrol service as unpaid time off; and

12 (b) Complying with a collective bargaining agreement or employee benefit plan  
13 entered into prior to the effective date of this Act.

14 ➔Section 2. KRS 61.394 is amended to read as follows:

15 (1) (a) All officers and employees of this state, or of any department or agency  
16 thereof who are members of the National Guard or of any reserve component  
17 of the Armed Forces of the United States, or of the reserve corps of the United  
18 States Public Health Service, shall be entitled to leave of absence from their  
19 respective duties, without loss of time, pay, regular leave, impairment of  
20 efficiency rating, or of any other rights or benefits to which they are entitled,  
21 while:

22 1.[(a)] In the performance of duty or training in the service of a state or of  
23 the United States under competent orders as specified in this section;

24 2.[(b)] Physically disabled as a result of an injury, illness, or disease  
25 incurred or aggravated in the line of duty while performing active-duty  
26 or inactive-duty training; or

27 3.[(c)] Entitled to incapacitation pay pursuant to 37 U.S.C. sec. 204.

1 Leave pursuant to subparagraphs 2. and 3.~~paragraphs (b) and (c)~~ of this  
2 paragraph~~subsection~~ shall not exceed six (6) months unless approved by the  
3 employee's appointing authority.

4 ~~(b)(2)~~ In any one (1) federal fiscal year, officers or employees, while on  
5 military leave, shall, upon request, be paid their salaries or compensations for  
6 a period or periods not exceeding twenty-one (21) calendar days. Any unused  
7 military leave in a federal fiscal year shall be carried over to the next year.  
8 Any unused military leave shall expire two (2) years after it has accrued.

9 (2) All officers and employees of this state, or of any department or agency thereof,  
10 who are members of the Civil Air Patrol shall be entitled to leave of absence from  
11 their respective duties without loss of time, pay, regular leave, impairment of  
12 efficiency rating, or of any other rights or benefits to which they are entitled  
13 while responding as a member of the Civil Air Patrol to:

14 (a) An emergency declared by the Governor or the President of the United  
15 States; or

16 (b) A mission directed from the Air Force Rescue Coordination Center.