

FIRST REGULAR SESSION

HOUSE BILL NO. 422

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHARNHORST.

0952L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to leave for members of the civil air patrol, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 41.1000, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 41.1000, to read as follows:

41.1000. 1. Except as otherwise provided in this subsection, any employee of the state of Missouri who is or may become a member of the civil air patrol and has qualified for a civil air patrol emergency service specialty rating or who is certified to fly counter narcotics missions except members of the Missouri national guard may be granted leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating or of any other rights or benefits to which such person would otherwise be entitled, for periods during which such person is engaged in the performance of civil air patrol emergency service duty or counter narcotics missions. Leave for such service shall be for not more than fifteen working days in any state fiscal year, or without regard to length of time when responding to a state or nationally declared emergency or disaster in the state of Missouri. The employee shall be released from work upon request from the Missouri wing commander or the wing commander's designated representative. The appointing authority shall compensate an employee granted leave pursuant to this section at the employee's regular rate of pay for regular work hours during which the employee is absent from the employee's regular place of employment for the state of Missouri. Any leave granted pursuant to this section shall not affect the employee's leave status.

2. Before any payment of salary is made covering the period of the leave the employee shall file with the appointing authority or supervising agency evidence that such employee

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 participated in emergency services duty or a counter narcotics mission from the wing
19 commander, or the wing commander's designated representative. In addition to the evidence
20 required by this subsection, such employee shall provide to the employee's immediate supervisor
21 a Drug Enforcement Agency/Civil Air Patrol (DEA/CAP) mission number.

22 3. No member of the civil air patrol shall be discharged from employment because of
23 being a member of the civil air patrol or holding a civil air patrol emergency services specialty
24 rating, nor otherwise discriminated against or dissuaded from joining or continuing such person's
25 service in the civil air patrol by threat or injury to such person in respect to such person's
26 employment.

27 4. **Any employee of an employer with fifty or more employees who is or may**
28 **become a member of the civil air patrol and has qualified for a civil air patrol emergency**
29 **service specialty or who is certified to fly counter narcotics missions shall be granted a**
30 **leave of absence from their respective duties, without loss of time, regular leave, or of any**
31 **other rights or benefits to which the employee would otherwise be entitled, for periods**
32 **during which the employee is engaged in the performance of civil air patrol emergency**
33 **service duty or counter narcotics missions. Leave for such service shall be for no more**
34 **than fifteen working days in any calendar year, or without regard to the length of time**
35 **when responding to a state or nationally declared emergency in the state of Missouri. The**
36 **employer shall not be obligated to pay a salary to the employee during this leave of**
37 **absence. The employer shall have the right to request that the employee be exempted from**
38 **responding to a specific mission and the Missouri wing commander shall honor such**
39 **request.**

40 5. The attorney general shall enforce the rights contained in this section for members of
41 the civil air patrol.

Section B. Because of the need for members of the civil air patrol to assist with possible
2 natural disasters, section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.