

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1315

96TH GENERAL ASSEMBLY

5034L.01T

2012

AN ACT

To amend chapter 41, RSMo, by adding thereto one new section relating to state employee leave for members of the United States Coast Guard Auxiliary.

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

Section A. Chapter 41, RSMo, is amended by adding thereto one new section, to be
2 known as section 41.1005, to read as follows:

**41.1005. 1. Except as otherwise provided in this subsection, any employee of the
2 state of Missouri who is or may become a member of the United States Coast Guard
3 Auxiliary may be granted leave of absence from their respective duties, without loss of
4 time, pay, regular leave, impairment of efficiency rating or of any other rights or benefits
5 to which such person would otherwise be entitled, for periods during which such person
6 is engaged in the performance of the United States Coast Guard or United States Coast
7 Guard Auxiliary duties, including travel related to such duties, when authorized by the
8 appropriate United States Coast Guard order issuing authority or such person's designated
9 representative. Leave for such service shall be for not more than fifteen working days in
10 any state fiscal year, or without regard to length of time when responding to a state or
11 nationally declared emergency or disaster in the state of Missouri or upon any navigable
12 waterway within or adjacent to the state of Missouri. The employee shall be released from
13 work upon request from the member's appropriate United States Coast Guard authority
14 or such member's designated representative. The state of Missouri or the employee's
15 appointing authority thereof shall compensate an employee granted leave under this
16 section at the employee's regular rate of pay for regular work hours during which the
17 employee is absent from the employee's regular place of employment for the state of
18 Missouri. Any leave granted under this section shall not affect the employee's leave status.**

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

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.

21 **employee participated in emergency services duty or other United States Coast Guard or**
22 **United States Coast Guard Auxiliary duties from the appropriate Coast Guard or Coast**
23 **Guard Auxiliary authority.**

24 **3. No member of the United States Coast Guard Auxiliary shall be discharged from**
25 **employment because of being a member of the United States Coast Guard Auxiliary or**
26 **holding any office, position, or appointment under the United States Coast Guard**
27 **Auxiliary, nor otherwise discriminated against or dissuaded from joining or continuing**
28 **such person's service in the United States Coast Guard Auxiliary by threat or injury to**
29 **such person in respect to such person's employment, or of any other rights or benefits to**
30 **which the employee would otherwise be entitled.**

31 **4. Any employee of an employer with fifty or more employees who is or may**
32 **become a member of the United States Coast Guard Auxiliary shall be granted a leave of**
33 **absence from their respective duties, without loss of time, regular leave, or of any other**
34 **rights or benefits to which the employee would otherwise be entitled, for periods during**
35 **which the employee is engaged in the performance of United States Coast Guard or United**
36 **States Coast Guard Auxiliary duties, including travel related to such duties, when**
37 **authorized by the Director of Auxiliary (DIRAUX) or other appropriate United States**
38 **Coast Guard authority. Leave for such service shall be for no more than fifteen working**
39 **days in any calendar year, or without regard to the length of time when responding to a**
40 **state or nationally declared emergency in the state of Missouri or upon any navigable**
41 **waterway within or adjacent to the state of Missouri. The employer shall not be obligated**
42 **to pay a salary to the employee during this leave of absence. The employer shall have the**
43 **right to request that the employee be exempted from responding to a specific mission and**
44 **the member's supervising Director of Auxiliary or other appropriate United States Coast**
45 **Guard or United States Coast Guard Auxiliary authority shall honor such request.**

46 **5. The attorney general shall enforce the rights contained in this section for**
47 **members of the United States Coast Guard Auxiliary.**

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