

FIRST REGULAR SESSION

SENATE BILL NO. 36

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0164S.01I

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Section A. Section 41.1000, RSMo, is repealed and one new section
2 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
2 of the state of Missouri who is or may become a member of the civil air patrol and
3 has qualified for a civil air patrol emergency service specialty rating or who is
4 certified to fly counter narcotics missions except members of the Missouri
5 national guard may be granted leave of absence from their respective duties,
6 without loss of time, pay, regular leave, impairment of efficiency rating or of any
7 other rights or benefits to which such person would otherwise be entitled, for
8 periods during which such person is engaged in the performance of civil air patrol
9 emergency service duty or counter narcotics missions. Leave for such service
10 shall be for not more than fifteen working days in any state fiscal year, or without
11 regard to length of time when responding to a state or nationally declared
12 emergency or disaster in the state of Missouri. The employee shall be released
13 from work upon request from the Missouri wing commander or the wing
14 commander's designated representative. The appointing authority shall
15 compensate an employee granted leave pursuant to this section at the employee's
16 regular rate of pay for regular work hours during which the employee is absent
17 from the employee's regular place of employment for the state of Missouri. Any
18 leave granted pursuant to 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
20 the employee shall file with the appointing authority or supervising agency
21 evidence that such employee participated in emergency services duty or a counter

22 narcotics mission from the wing commander, or the wing commander's designated
23 representative. In addition to the evidence required by this subsection, such
24 employee shall provide to the employee's immediate supervisor a Drug
25 Enforcement Agency/Civil Air Patrol (DEA/CAP) mission number.

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

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

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

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

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