

SECOND REGULAR SESSION

# HOUSE BILL NO. 1795

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES AULL (Sponsor), YAEGER, NANCE, ATKINS, WALLACE, WALTON GRAY, PACE, ROORDA, SCAVUZZO, SPRENG, WELLS, MEADOWS, SCHUPP, SUTHERLAND, KUESSNER, KELLY, STILL, SCHIEFFER, FALLERT, JONES (89), JONES (117), FRANZ, SCHARNHORST, TALBOY, FUNDERBURK, DEEKEN, HUMMEL, ENGLUND, SHIVELY AND SMITH (150) (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to the civil air patrol.

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*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Section A. Section 41.1000, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 41.1000, to read as follows: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] **an employer with fifty or more employees** 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] **calendar** 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

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.

15 the employee's regular place of employment for the state of Missouri.] **The employer shall have**  
16 **the right to request that an employee be exempted from responding to a specific mission**  
17 **and the Missouri wing commander shall honor any such request.** Any leave granted  
18 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 the employee  
20 shall file with the appointing authority or supervising agency evidence that such employee  
21 participated in emergency services duty or a counter narcotics mission from the wing  
22 commander, or the wing commander's designated representative. In addition to the evidence  
23 required by this subsection, such employee shall provide to the employee's immediate supervisor  
24 a Drug Enforcement Agency/Civil Air Patrol (DEA/CAP) mission number.

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

30       4. **Notwithstanding any other provisions of this section, private employers may pay**  
31 **salaries during this period of leave but are not obligated to do so. However, any employee**  
32 **of a private employer who is or may become a member of the civil air patrol shall be**  
33 **entitled to receive all other benefits and job protections provided for state employees under**  
34 **the provisions of this section.**

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

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