

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 708

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE CIVIL AIR PATROL EMPLOYMENT PROTECTION ACT; AMENDING TITLE  
2 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 44, IDAHO  
3 CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT DISCRIM-  
4 INATION AGAINST OR DISCIPLINE OR DISCHARGE OF AN EMPLOYEE FOR CERTAIN  
5 REASONS, TO PROVIDE THAT CERTAIN CONDUCT IS NOT PROHIBITED, TO REQUIRE  
6 CERTAIN NOTIFICATION AND TO PROVIDE FOR ENFORCEMENT.  
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 44, Idaho Code, be, and the same is hereby amended  
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
11 ter 28, Title 44, Idaho Code, and to read as follows:

12 CHAPTER 28

13 CIVIL AIR PATROL EMPLOYMENT PROTECTION ACT

14 44-2801. SHORT TITLE. This chapter shall be known and may be cited as  
15 the "Civil Air Patrol Employment Protection Act."

16 44-2802. DEFINITIONS. As used in this chapter:

17 (1) "Civil air patrol" means the civilian auxiliary of the United  
18 States air force.

19 (2) "Employee" means an individual who receives wages or remuneration  
20 for performing services for an employer.

21 (3) "Employer" means an individual or entity that provides wages or re-  
22 muneration to one (1) or more individuals performing services for the em-  
23 ployer under an express or implied contract of hire.

24 44-2803. DISCRIMINATION PROHIBITED. Except as provided in section  
25 44-2804, Idaho Code, an employer shall not discriminate against, discipline  
26 or discharge an employee for any of the following reasons:

27 (1) The employee is a member of the civil air patrol; or

28 (2) The employee is absent from work, and the following conditions are  
29 satisfied:

30 (a) The employee is absent for the purpose of responding as a member  
31 of the civil air patrol to an emergency declared by the governor or the  
32 president of the United States;

33 (b) The employee gives the employer as much notice as possible of the  
34 dates the employee will be absent to serve with the civil air patrol dur-  
35 ing the emergency; and

36 (c) The employee provides the employer with verification from the civil  
37 air patrol of the emergency need for the employee's volunteer service.

1           44-2804. CERTAIN CONDUCT NOT PROHIBITED. The provisions of this chap-  
2 ter shall not prohibit an employer:

3           (1) From treating the time the employee is absent because of emergency  
4 civil air patrol service as unpaid time off; or

5           (2) From complying with a collective bargaining agreement or an em-  
6 ployee benefit plan entered into before the effective date of this chapter.

7           44-2805. NOTIFICATION REQUIRED. Within thirty (30) days after the ef-  
8 fective date of this chapter, the date of employment or the date of joining  
9 the civil air patrol, whichever is latest, an employee who is a member of the  
10 civil air patrol, and who is trained and qualified to provide emergency ser-  
11 vices, shall notify his employer that the employee may be called to service  
12 during an emergency.

13           44-2806. ENFORCEMENT. An employee or former employee may bring a civil  
14 action for damages or equitable relief to enforce the provisions of this  
15 chapter.