

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 36

96TH GENERAL ASSEMBLY

2011

0164S.01T

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Section A. Section 41.1000, RSMo, is repealed and one new section enacted
2 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 national
5 guard may be granted leave of absence from their respective duties, without loss
6 of time, pay, regular leave, impairment of efficiency rating or of any other rights
7 or benefits to which such person would otherwise be entitled, for periods during
8 which such person is engaged in the performance of civil air patrol emergency
9 service duty or counter narcotics missions. Leave for such service shall be for not
10 more than fifteen working days in any state fiscal year, or without regard to length
11 of time when responding to a state or nationally declared emergency or disaster in
12 the state of Missouri. The employee shall be released from work upon request from
13 the Missouri wing commander or the wing commander's designated
14 representative. The appointing authority shall compensate an employee granted
15 leave pursuant to this section at the employee's regular rate of pay for regular work
16 hours during which the employee is absent from the employee's regular place of
17 employment for the state of Missouri. Any leave granted pursuant to this section
18 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
21 that such employee participated in emergency services duty or a counter narcotics
22 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 Enforcement
25 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 by
30 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 who**
32 **is or may become a member of the civil air patrol and has qualified for a**
33 **civil air patrol emergency service specialty or who is certified to fly**
34 **counter narcotics missions shall be granted a leave of absence from their**
35 **respective duties, without loss of time, regular leave, or of any other**
36 **rights or benefits to which the employee would otherwise be entitled, for**
37 **periods during which the employee is engaged in the performance of civil**
38 **air patrol emergency service duty or counter narcotics missions. Leave**
39 **for such service shall be for no more than fifteen working days in any**
40 **calendar year, or without regard to the length of time when responding**
41 **to a state or nationally declared emergency in the state of Missouri. The**
42 **employer shall not be obligated to pay a salary to the employee during**
43 **this leave of absence. The employer shall have the right to request that**
44 **the employee be exempted from responding to a specific mission and the**
45 **Missouri wing commander shall honor such request.**

46 5. The attorney general shall enforce the rights contained in this section
47 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, and
5 section A of this act shall be in full force and effect upon its passage and approval.

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