

**HOUSE . . . . . No. 1995**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Kate Hogan*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting the employment benefits of Civil Air Patrol and Coast Guard Auxiliary members.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/10/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/22/2021</i>

**HOUSE . . . . . No. 1995**

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By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 1995) of Kate Hogan and Hannah Kane relative to employees of the Civil Air Patrol and Coast Guard Auxiliary. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1638 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act protecting the employment benefits of Civil Air Patrol and Coast Guard Auxiliary members.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to support and maintain the rapid emergency response capability of the Civil Air Patrol and Coast Guard Auxiliary, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 149 of the General Laws as appearing in the 2016 Official Edition  
2 is hereby amended by adding after Section 177B the following section:-

3 Section 177C.

4 Section 1. As used in this section:

5 “Emergency operational mission” is a mission or rescue operation which has been  
6 directed and authorized by the United States Air Force, the United States Coast Guard, the

7 Federal Emergency Management Agency, the Massachusetts Emergency Management Agency,  
8 or another federal or state subdivision with the authority to authorize emergency operations.

9 “Employee” is defined in accordance with Section 1 of this chapter.

10 “Employer” is a private, state, municipal, or local government entity that employs more  
11 than 15 employees.

12 Section 2. Employers shall allow employees who are members of the Civil Air Patrol or  
13 Coast Guard Auxiliary to participate in emergency operational missions by granting no less than  
14 ten days of unpaid leave per year provided:

15 (a) The Civil Air Patrol or Coast Guard Auxiliary has been authorized to conduct or  
16 participate in emergency operational missions by a competent authority;

17 (b) The employee has provided the employer written documentation of membership in  
18 Civil Air Patrol or Coast Guard Auxiliary prior to the commencement of an emergency  
19 operational mission; and

20 (c) The employee is participating in an emergency operational mission of the Civil Air  
21 Patrol or Coast Guard Auxiliary.

22 Section 3. The employer shall not require an employee to use another form of leave in  
23 order to participate in emergency operational missions, nor shall the employee be discharged or a  
24 receive a reduction in pay, seniority, or other benefits for participating in emergency operational  
25 missions pursuant to this section.

26 Section 4. Employers may request written documentation from the employee’s  
27 commander to verify that the employee’s participation is requested during the emergency

28 operational mission. Following an emergency operational mission, employers may also request  
29 documentation from the commander verifying the employee's participation in the operation.  
30 Employers may deny unpaid leave if the requested documentation is not produced.

31 Section 5. Employees shall be given the opportunity to use up to five consecutive days of  
32 leave pursuant to this section in a ten calendar day period. After this requirement has been met,  
33 employers may require the employee to return to work before granting additional leave.

34 Section 6. The right to exercise leave pursuant to this section shall not be negotiated in  
35 collective bargaining agreements or individual contracts. Nothing in this section shall preclude  
36 employees from exercising the ability to take paid leave at their discretion in order to participate  
37 in emergency operations if they have accrued paid leave days and the employer agrees to such  
38 terms. Employees shall provide reasonable notice of their intent to take leave pursuant to this  
39 section.

40 Section 7. Employers who provide first responder or disaster response services are not  
41 required to grant unpaid leave to employees pursuant to this section when participating in the  
42 same or simultaneous emergency operations.

43 Section 8. An employee who is terminated, charged leave, or against whom disciplinary  
44 action is taken in violation of the provisions of this section shall be immediately reinstated to the  
45 employee's former position without reduction of pay, leave, seniority or other benefits, and shall  
46 receive any lost pay, leave, or other benefits during a period for which such termination or other  
47 disciplinary action was in effect. An action to enforce the provisions of this section shall be  
48 commenced within one year of the date of the alleged violation, in the superior court within any  
49 county wherein the action occurred or wherein the employer resides or transacts business.