HOUSE No. 1930

The Commonwealth of Massachusetts

PRESENTED BY:

Jerald A. Parisella

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:Jerald A. Parisella6th Essex1/20/2023

HOUSE No. 1930

By Representative Parisella of Beverly, a petition (accompanied by bill, House, No. 1930) of Jerald A. Parisella relative to leaves and employment benefits of Civil Air Patrol and Coast Guard Auxiliary members. Labor and Workforce Development.

The Commonwealth of Alassachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

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 2020 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.

12

13

14

17

18

19

20

21

22

23

24

25

26

27

28

- 10 "Employer" is a private, state, municipal, or local government entity that employs more 11 than 15 employees.
 - Section 2. Employers shall allow employees who are members of the Civil Air Patrol or Coast Guard Auxiliary to participate in emergency operational missions by granting no less than 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;
 - (b) The employee has provided the employer written documentation of membership in Civil Air Patrol or Coast Guard Auxiliary prior to the commencement of an emergency operational mission; and
 - (c) The employee is participating in an emergency operational mission of the Civil Air Patrol or Coast Guard Auxiliary.
 - Section 3. The employer shall not require an employee to use another form of leave in order to participate in emergency operational missions, nor shall the employee be discharged or a receive a reduction in pay, seniority, or other benefits for participating in emergency operational missions pursuant to this section.
 - Section 4. Employers may request written documentation from the employee's commander to verify that the employee's participation is requested during the emergency operational mission. Following an emergency operational mission, employers may also request

- 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.

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

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

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

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