

# VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

## CHAPTER 277

*An Act to amend the Code of Virginia by adding a section numbered 2.2-2821.3 and by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:6, relating to leave for volunteer members of Civil Air Patrol.*

[H 1527]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-2821.3 and by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:6 as follows:**

**§ 2.2-2821.3. Leave for volunteer members of Civil Air Patrol.**

A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are volunteer members of the Civil Air Patrol shall be entitled to leaves of absence from their respective duties without loss of seniority, accrued leave, benefits, or efficiency rating on all days during which such officer or employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year.

B. Any officer or employee requesting leave pursuant to this section shall provide (i) certification that the officer or employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the Commonwealth to respond to or train for an emergency mission and (ii) verification from the Civil Air Patrol of the emergency need of the officer's or employee's volunteer service.

C. An employer may treat the officer or employee leaves of absence pursuant to this section as unpaid leave. No employer shall require an employee to exhaust any other leave to which the officer or employee is entitled prior to such leaves of absence. Nothing in this subsection shall be construed to prevent an employer from providing paid leave during such leaves of absence.

D. Any officer or employee aggrieved by a violation of any provision of this section may bring an action pursuant to the State Grievance Procedure (§ 2.2-3000 et seq.).

**§ 40.1-28.7:6. Employers to allow leave for volunteer members of Civil Air Patrol; civil remedy.**

A. Any employee who is a volunteer member of the Civil Air Patrol shall be entitled to leaves of absence from his employment without loss of seniority, accrued leave, benefits, or efficiency rating on all days during which such employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year.

B. Any employee requesting leave pursuant to this section shall provide (i) certification that the employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the state to respond to or train for an emergency mission and (ii) verification from the Civil Air Patrol of the emergency need of the employee's volunteer service.

C. An employer may treat leaves of absence pursuant to this section as unpaid leave. No employer shall require an employee to exhaust any other leave to which the employee is entitled prior to such leaves of absence. Nothing in this subsection shall be construed to prevent an employer from providing paid leave during such leaves of absence.

D. Any employee aggrieved by a violation of any provision of this section may bring a civil action to enforce such provision. Any employee who is successful in such action shall be entitled to recover only lost wages, reasonable attorney fees, and court costs incurred in such action.