

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 1527]

6 Approved

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

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

10 **§ 2.2-2821.3. Leave for volunteer members of Civil Air Patrol.**

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

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

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

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

28 **§ 40.1-28.7:6. Employers to allow leave for volunteer members of Civil Air Patrol; civil remedy.**

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

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

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

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

ENROLLED

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