

Assembly Bill No. 422– Assemblymembers
Yeager; and Kasama

CHAPTER.....

AN ACT relating to the Civil Air Patrol; revising provisions relating to the employment of a member of the Civil Air Patrol; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law establishes the Civil Air Patrol as a federally chartered nonprofit corporation and the volunteer civilian auxiliary of the United States Air Force. (10 U.S.C. §§ 9491, 9492, 36 U.S.C. §§ 40301 et seq.) Existing law establishes various duties of the Nevada Wing of the Civil Air Patrol, including to carry out crash, rescue and emergency operations, support federal, state and local law enforcement agencies in homeland defense and narcotics interdiction missions and provide related organization and training. (NRS 413.010) **Section 1** of this bill provides that an employee who is a volunteer member of the Nevada Wing of the Civil Air Patrol is entitled to a leave of absence from his or her employment without loss of position, seniority, accrued leave or benefits on days during which the employee is: (1) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays during each federal fiscal year; and (2) responding to an emergency mission with the Civil Air Patrol, not to exceed 30 workdays during each federal fiscal year. **Section 1** defines “emergency mission” to include search and rescue and disaster response activities. **Section 1** prohibits an employer from requiring an employee to exhaust any other leave to which the employee is entitled before such leaves of absence and any such leave is authorized to be treated as unpaid leave by an employer. **Section 1** also requires the employee requesting the leave to provide to his or her employer certain certifications and verifications relating to the employee’s service with the Civil Air Patrol. **Section 1** authorizes an employee who is aggrieved by a violation of the provisions of **section 1** to bring a civil action to seek damages equal to the amount of the lost wages and benefits and reasonable attorney’s fees and costs.

Existing law requires an employee to disclose to his or her employer if he or she wishes to join a volunteer search and rescue or reserve unit of a sheriff’s department or a Civil Air Patrol unit. Existing law also authorizes an employer to prohibit the employee from participating in search and rescue activities during normal working hours. (NRS 414.250) **Section 2** of this bill eliminates the authority of an employer to prohibit an employee who is entitled to a leave of absence pursuant to **section 1** from participating in activities related to the employee’s membership in a Civil Air Patrol unit for which such leave is authorized.



EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~forbidden material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 413 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee who is a volunteer member of the Nevada Wing of the Civil Air Patrol is entitled to a leave of absence from his or her employment without loss of position, seniority, accrued leave or benefits on all days during which the employee is:

(a) Engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays during each federal fiscal year; or

(b) Responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays during each federal fiscal year.

2. An employee requesting leave pursuant to this section shall provide to his or her employer:

(a) Certification that the employee has been authorized by the United States Air Force, the Governor or a political subdivision of this State to respond to or train for an emergency mission; and

(b) Verification from the Civil Air Patrol of the emergency need of the volunteer service of the employee.

3. An employer may treat a leave of absence pursuant to this section as unpaid leave. An employer shall not require an employee to exhaust any other leave to which the employee is entitled before such a leave of absence pursuant to this section. Nothing in this section shall be construed to prevent an employer from providing paid leave during such leaves of absence.

4. Any employee aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against any person who commits the violation to seek any or all of the following relief:

(a) Damages equal to the amount of the lost wages and benefits; and

(b) Reasonable attorney's fees and costs.

5. As used in this section, "emergency mission" includes, without limitation, search and rescue and disaster response activities.

Sec. 2. NRS 414.250 is hereby amended to read as follows:

414.250 1. An employee who wishes to join a volunteer search and rescue or reserve unit of a sheriff's department or ***join*** a



Civil Air Patrol unit *as a volunteer member* shall disclose that fact to his or her employer.

2. ~~¶¶~~ *Except as otherwise provided in section 1 of this act, if* the employer chooses not to allow the employee to participate in ~~{search and rescue}~~ *the activities of such a reserve unit or Civil Air Patrol unit* during his or her normal working hours, the employer shall notify the employee as soon as practicable after the disclosure is made pursuant to subsection 1.

3. An applicant for employment who is a member of a search and rescue or reserve unit of a sheriff's department or a Civil Air Patrol unit shall disclose that fact to his or her prospective employer.

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