

Department of Legislative Services  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

House Bill 1323  
Economic Matters

(Delegate Jennings, *et al.*)

Finance

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**Civil Air Patrol Leave Act of 2010**

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This bill establishes employment protections and leave benefits for members of the Civil Air Patrol (CAP) who have been employed for at least 90 days. The bill also specifies that CAP members may bring a private cause of action in the appropriate court to enforce the bill's provisions. The court may enjoin a practice that violates the bill and order relief to injured parties.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in the number of cases heard in District Court; the additional workload can be handled with existing resources.

**Local Effect:** Potential minimal increase in the number of cases heard in the circuit courts; the additional workload can be handled with existing resources.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Bill Summary:** Employers must give CAP-member employees at least 15 days annually of unpaid leave that the employee can use when responding to an emergency CAP mission. The use of CAP leave may not result in the loss of an employee benefit accrued before the leave was used. The grant of leave under the bill may not be diminished by a collective bargaining agreement or an employee benefit plan entered into on or after January 1, 2010.

An employer may not discriminate against or discharge an employee because of the employee's membership in CAP. Moreover, an employer may not hinder or prevent an employee from performing service as part of the Maryland Wing of CAP during an emergency mission if the person is entitled to leave established by the bill. Likewise, an employer may not discipline or otherwise discriminate against an employee who follows procedures required by the bill.

**Current Law/Background:** Maryland law has no established leave benefits for CAP members. However, employers may not discharge employees for participating in CAP activities (1) if the employee submits written proof that participation in a CAP activity was required; or (2) when the employee is responding to an emergency declared by the Governor on behalf of the governing body of a county or municipal corporation.

The Maryland Wing of CAP is based near the Baltimore/Washington International Thurgood Marshall Airport. The Maryland Wing oversees 27 primary subordinate squadrons located throughout the State. In February 2010, there were about 1,430 active CAP members in the State.

**Additional Comments:** Legislative Services advises that the bill's definition of "employer" does not include units of State or local government; thus, State and local governments are not required to comply with the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Military Department; Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2010  
ncs/mcr

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