

**NEW LAW INCREASES PAID MILITARY LEAVE AVAILABLE TO
COMMONWEALTH AND AUTHORITY EMPLOYEES**

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On November 1, 2005 Governor Rendell signed into law an amendment to the Pennsylvania Military Leave of Absence Act (PAMLAA), 51 Pa.C.S.A. § 7302 et seq. The amendment adds to the time available to military reserve and national guard soldiers as paid leave from work and is retroactive to January 1, 2005. Pennsylvania law already required employers to provide employee-soldiers with up to 15 days of paid leave per year to fulfill their military service obligations. Under the new amendment employees who work for the Commonwealth of Pennsylvania or any of its instrumentalities must now provide an additional 15 days of paid leave to those soldiers who are 1) called for military duty for a period of 30 consecutive days, when that duty is; 2) not for the purpose of training.

This means that employees who are called to military duty either in the reserve components of the armed forces or the Pennsylvania National Guard are entitled to 30 days of paid leave for that service if 30 consecutive days of their absence is attributable to service other than annual training or some other military schooling. Soldiers who are activated for 30 or more consecutive days in support of the nation's ongoing missions in Afghanistan, Iraq, or elsewhere, for example, would be entitled to the additional 15 days paid leave. Employees who attend their two week annual training each year and are absent from work for additional days because of weekend drills or additional military training would not be entitled to the additional 15 days, but they would be entitled to PAMLAA's original 15 day paid leave of absence.

One point of interest that is raised by the new amendment is whether the General Assembly intended to include municipal authorities in the group of entities that must pay the additional 15 days of leave. The courts have made clear that when the General Assembly makes a law applicable to "the Commonwealth and its instrumentalities," municipal authorities are included as instrumentalities of the Commonwealth. *See e.g. Department of Transportation v. Wilkinsburg-Penn Joint Water Authority*, 740 A.2d 322 (Pa. Commw. 1999). As such, municipal authorities should be aware that this new amendment applies to them. They should also be aware of the situations in which their employees will be entitled to the additional 15 days of paid leave.