



CAP REGULATION 60-3

2 February 2023

APPROVED/J. DESMARAIS/CAP/DO

Operations

CAP EMERGENCY SERVICES TRAINING AND OPERATIONAL MISSIONS

CAP Regulation 60-3, dated 26 December 2012, is supplemented as follows:

1-24 (h). Added. CAP Member Employment Protections in the State of Maryland. The Annotated Code of Maryland, Sections 3-1001 through 3-1007, provides certain employment protections to Maryland-based employees who are member of the Civil Air Patrol (CAP). Volunteer members of Maryland Wing (MDWG) shall be provided "no less than 15 days per calendar year of unpaid Civil Air Patrol leave" when "responding to an emergency mission of the Maryland Wing of the Civil Air Patrol." Volunteer members shall also be restored "to the position held when the leave began or to a position with equivalent seniority status, benefits, pay, and conditions of employment when the employee returns to work."

1) Members should familiarize themselves with the sections of the Annotated Code of Maryland as they pertain to employee protections, rights, and requirements. The applicable sections of the statute are included in Attachment 2 to this supplement.

2) As defined in Section 3-1001, an "Employer" means any person that employs more than 15 employees. As Maryland's state law may not supersede federal laws that dictate federal employment leave, members who are employed by any element of the United States Government (USG) should contact their agency Human Resources Office to determine if Maryland's Civil Air Patrol Leave Act would apply to them or if the element has an existing policy for similar purposes.

3) Members are highly encouraged to discuss in advance with their employer the requirements and benefits of their volunteer service as members of the Civil Air Patrol, as well as the provisions of these sections of the Code of Maryland. Members should inform their employers that due to the time-critical nature of search and rescue missions, it may not be possible to obtain written certification at the immediate onset of an emergency deployment; however, the wing will provide such written certification within 24 hours of a request made in accordance with (IAW) this supplement.

4) Members are responsible for tracking their participation in this program and ensuring they do not personally exceed the workday allowances granted under the applicable statute.

5) IAW with the Code of Maryland, any member requesting leave under these sections of the Code of Maryland shall provide to their employer "as much notice as possible of the intended date of

the beginning and end of leave" and "after arriving at an emergency location, the employee shall notify the employer with an estimate of the amount of time needed to complete the emergency mission." Members must certify that they have "been authorized by the United States Air Force, the Governor, or a political subdivision of the State to respond to an emergency mission."

6) IAW the Code of Maryland, "an employee taking leave under this subtitle may not be required to exhaust all available leave before using Civil Air Patrol leave." Section 3-1004 also notes that "nothing in this subtitle prevents an employer from providing paid leave for leave under this subtitle."

7) Maryland Wing members wishing to request a leave certification will submit a **MDWG Form (MDF) 60-3**, *Application for Employer Leave Certification for Deployment of MDWG CAP Members*, IAW with the instructions on the form.

8) Upon receipt of a MDF 60-3, a designated member of the wing staff will validate the information submitted, sign the form, and return it to the member. The mandated certification to be presented to an employer consists of the returned form containing the signature of an authorized wing staff member and the standardized letter to employer on the reverse side/page two of the form. The following wing staff members may validate a request for leave: Maryland Wing Commander (MDWG/CC); Maryland Wing Vice Commander (MDWG/CV); Maryland Wing Chief of Staff (MDWG/CS); Maryland Wing Deputy Chief of Staff, Operations (MDWG/A3); Maryland Wing Deputy Chief of Staff, Emergency Services (MDWG/A2); or the Incident Commander (IC) of the mission for which the leave is being requested.

9) IAW the spirit and intention of the relevant provisions of Maryland law, wing staff members will not certify training, individual, or small group missions. In order to be certified, missions will have a dedicated mission number.

10) The Maryland Wing Vice Commander (MDWG/CV) is the primary point of contact for all inquiries regarding this supplement and the procedures contained within.

WES LAPRE, Colonel, CAP
Commander

**ATTACHMENT 1
COMPLIANCE ELEMENTS**

This supplement does not contain any compliance elements.

ATTACHMENT 2
APPLICABLE SECTIONS - CODE OF MARYLAND

§ 3-1001

(a) In this subtitle the following words have the meanings indicated.

(b) "Civil Air Patrol leave" means leave requested by an employee who:

(1) is a volunteer member of the civilian auxiliary of the United States Air Force known as the Civil Air Patrol; and

(2) has been authorized by the United States Air Force, the Governor, or a political subdivision of the State to respond to an emergency mission.

(c) "Employee" means any individual who performs services for, or under the control of, a provider of wages or remuneration.

(d) "Employee benefits" means all benefits other than wages given by an employer.

(e) "Employer" means any person that employs more than 15 employees.

§ 3-1002

(a) An employer may not discriminate against or discharge from employment an employee who has been employed for a minimum of 90 days and is a member of the Civil Air Patrol because of membership in the Civil Air Patrol.

(b) An employer may not hinder or prevent an employee who has been employed for a minimum of 90 days from performing services as part of the Maryland Wing of the Civil Air Patrol during an emergency mission if the member is entitled to leave under this subtitle.

§ 3-1003

(a) An employer shall provide no less than 15 days per calendar year of unpaid Civil Air Patrol leave to an employee responding to an emergency mission of the Maryland Wing of the Civil Air Patrol.

(b) (1) An employee shall give the employer as much notice as possible of the intended dates of the beginning and end of leave.

(2) After arriving at an emergency location, the employee shall notify the employer with an estimate of the amount of time needed to complete the emergency mission.

(3) The employee shall report to the employer necessary changes in the time required to complete the mission.

(4) The employer may require verification of the eligibility of the employee for the Civil Air Patrol leave requested or taken.

(5) If the employee fails to provide the required certification, the employer may deny the Civil Air Patrol leave.

(6) An employee taking leave under this subtitle may not be required to exhaust all available leave before using Civil Air Patrol leave.

(7) Nothing in this subtitle prevents an employer from providing paid leave for leave under this subtitle.

§ 3-1004

(a) The employer shall restore the employee to the position held when the leave began or to a position with equivalent seniority status, benefits, pay, and conditions of employment when the employee returns to work.

(b) An employer may decline to restore an employee as required in this subtitle because of circumstances unrelated to the provisions of this subtitle.

(c) An employer and an employee may negotiate for the employer to pay for the benefits of the employee during the leave.

§ 3-1005

(a) The use of Civil Air Patrol leave under this subtitle may not result in the loss of an employee benefit accrued before the first date of leave.

(b) An employee using leave under Title 13 of the Public Safety Article may not concurrently use leave granted under this subtitle.

(c) This subtitle does not affect the obligation of an employer to comply with a collective bargaining agreement or an employee benefit plan that provides greater leave rights to employees than the rights provided under this subtitle.

(d) The grant of leave under this subtitle may not be diminished by a collective bargaining agreement or an employee benefit plan entered into on or after January 1, 2010.

(e) This subtitle does not affect or diminish the contract rights or seniority status of an employee not entitled to Civil Air Patrol leave.

§ 3-1006

(a) An employer may not interfere with the use of Civil Air Patrol leave allowed under this subtitle.

(b) An employer may not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against an employee who:

(1) complies with the provisions of this subtitle; or

(2) opposes a practice not in compliance with this subtitle.

§ 3-1007

(a) An employee may bring a civil action in the appropriate State court to enforce this subtitle.

(b) The court may enjoin an act or a practice that violates this subtitle and may order equitable relief to redress the violation or to enforce this subtitle.