



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 Commonwealth of Virginia. The Code of Virginia, Section 2.2-2821.3 and Section 40.1-28.7:6, provides certain employment protections to Virginia-based employees who are members of the Civil Air Patrol. Volunteer members of the Civil Air Patrol “shall be entitled to leaves of absence from their employment without loss of seniority, accrued leave, benefits, or efficiency rating on all days during which such employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year.”

- 1) Members should familiarize themselves with these sections of the Code of Virginia as they pertain to employee protections, rights, and requirements. The applicable sections of the statute(s) are included in Attachment 2 to this supplement.
- 2) 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 Virginia. 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 IAW this supplement.
- 3) 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.
- 4) IAW the Code of Virginia, any member/employee requesting leave under this section of the Code of Virginia shall provide to their employer “(i) certification that the employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the state to respond to or train for an emergency mission and (ii) verification from the Civil Air Patrol of the emergency need of the employee’s volunteer service.”
- 5) In accordance with the Code of Virginia, an employer may treat leaves of absence under this provision as unpaid leave. No employer shall require an employee to exhaust any other leave to which the employee is entitled prior to such leaves of absence.

- 6) CAP members wishing to request a leave certification will submit a VAWG Form 60-3a (Application for Employer Leave Certification for Deployment of VAWG CAP Members) IAW the instructions on the form. For training missions, the member shall submit a request no less than 24 hours prior to the requested leave.
- 7) Upon receipt of a VAWG Form 60-3a, a designated member of wing staff will validate the information submitted, sign the form, and return it to the member for presentation to their employer. The mandated certification to be presented to an employer consists of the returned form containing the signature of an authorized 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: Wing Commander (CC), Vice Commander (CV), Chief of Staff (CS), Director of Operations (DO), Director of Emergency Services (DOS), Assigned Wing Duty Officer, or for non-training deployments, the assigned Incident Commander of that operation.
- 8) IAW the spirit and intention of the relevant provisions of Virginia law, wing staff members will not certify individual or small-group training missions; in order to be certified, training missions will have their own dedicated mission number and should be organized at the group level or above (such as formally organized SAREXs or SAREVALs).
- 9) The Director of Emergency Services is the primary point of contact for all inquiries regarding this supplement and the procedures contained within.

DEAN E. GOULD, Colonel, CAP
Commander

Attachment 1
COMPLIANCE ELEMENTS

Checklist and Tab	#	Compliance Question	How to Verify Compliance	Discrepancy Write-up	How to Clear Discrepancy
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NOT APPLICABLE

Attachment 2
APPLICABLE STATUTES – CODE OF VIRGINIA

CODE OF VIRGINIA SECTION 2.2-2821.3

§ 2.2-2821.3. Leave for volunteer members of Civil Air Patrol. 2018, c. 277.

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

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

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

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

CODE OF VIRGINIA SECTION 40.1-28.7:6

§ 40.1-28.7:6. Employers to allow leave for volunteer members of Civil Air Patrol; civil remedy. 2018, c. 277.

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

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

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

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