

SUBSTITUTE FOR
HOUSE BILL NO. 5061

A bill to amend 1976 PA 390, entitled
"Emergency management act,"
(MCL 30.401 to 30.421) by amending the title, as amended by 1990 PA
50, and by adding section 11a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide for planning, mitigation, response, and
recovery from natural and human-made disaster within **AND OUTSIDE**
this state; to create the Michigan emergency management advisory
council and prescribe its powers and duties; to prescribe the
powers and duties of certain state and local agencies and
officials; to prescribe immunities and liabilities; to provide for
the acceptance of gifts; **AND** to repeal ~~certain~~ acts and parts of

1 acts. ~~and to repeal certain parts of the act.~~

2 SEC. 11A. (1) A STATE EMPLOYEE WHO IS NOT IN THE STATE
3 CLASSIFIED CIVIL SERVICE AND WHO IS SKILLED IN EMERGENCY RELIEF
4 ASSISTANCE AND CERTIFIED AS A DISASTER SERVICES VOLUNTEER BY THE
5 AMERICAN RED CROSS MAY BE GRANTED AN UNPAID LEAVE OF ABSENCE FROM
6 HIS OR HER STATE EMPLOYMENT TO PROVIDE DISASTER OR EMERGENCY RELIEF
7 ASSISTANCE IN THIS STATE.

8 (2) A STATE EMPLOYEE IN THE STATE CLASSIFIED CIVIL SERVICE WHO
9 IS SKILLED IN EMERGENCY RELIEF ASSISTANCE AND CERTIFIED AS A
10 DISASTER SERVICES VOLUNTEER BY THE AMERICAN RED CROSS MAY BE
11 GRANTED A LEAVE OF ABSENCE FROM HIS OR HER CLASSIFIED EMPLOYMENT TO
12 PROVIDE DISASTER OR EMERGENCY RELIEF ASSISTANCE IN THIS STATE AS
13 AUTHORIZED BY THE CIVIL SERVICE COMMISSION.

14 (3) IN ADDITION TO UNPAID LEAVE UNDER SUBSECTION (1) OR (2),
15 AN EMPLOYEE OF AN AGENCY IN ANY BRANCH OF STATE GOVERNMENT WHO IS
16 SKILLED IN EMERGENCY RELIEF ASSISTANCE AND CERTIFIED AS A DISASTER
17 SERVICES VOLUNTEER BY THE AMERICAN RED CROSS MAY BE GRANTED LEAVE
18 FROM WORK WITH PAY FOR NOT MORE THAN 10 DAYS IN ANY 12-MONTH PERIOD
19 TO PARTICIPATE IN SPECIALIZED DISASTER RELIEF SERVICES WITHIN OR
20 OUTSIDE OF THIS STATE IF ALL OF THE FOLLOWING CIRCUMSTANCES ARE
21 PRESENT:

22 (A) THE GOVERNOR OR THE PRESIDENT OF THE UNITED STATES HAS
23 DECLARED THE DISASTER.

24 (B) THE AMERICAN RED CROSS HAS REQUESTED THE SERVICES OF THE
25 EMPLOYEE.

26 (C) THE EMPLOYEE'S DEPARTMENT HEAD HAS APPROVED THE LEAVE.

27 (D) IF THE SERVICES ARE RENDERED OUTSIDE THE STATE, THE

House Bill No. 5061 (H-2) as amended December 7, 2005

1 GOVERNOR HAS APPROVED THE LEAVE.

2 (E) IF THE EMPLOYEE IS IN THE STATE CLASSIFIED CIVIL SERVICE,
3 THE CIVIL SERVICE COMMISSION HAS APPROVED THE LEAVE.

4 (4) NOT MORE THAN 50 STATE EMPLOYEES SHALL BE GRANTED PAID
5 LEAVE UNDER SUBSECTION (3) DURING THE FISCAL YEAR. THE GOVERNOR MAY
6 INCREASE THE LIMIT ON THE NUMBER OF STATE EMPLOYEES WHO MAY BE
7 GRANTED PAID DISASTER LEAVE DURING THE FISCAL YEAR BY EXECUTIVE
8 ORDER.

9 (5) THIS STATE SHALL NOT PENALIZE OR OTHERWISE TAKE ADVERSE
10 EMPLOYMENT ACTION AGAINST A STATE EMPLOYEE BECAUSE THE EMPLOYEE
11 TAKES A LEAVE OF ABSENCE AUTHORIZED UNDER THIS SECTION TO PROVIDE
12 DISASTER OR EMERGENCY RELIEF ASSISTANCE. [HOWEVER, THE STATE SHALL
RECOVER PAYMENT FOR PAID DISASTER LEAVE FROM AN EMPLOYEE WHO IS GRANTED
PAID LEAVE UNDER SUBSECTION (3) IF THE EMPLOYEE DOES NOT USE THE LEAVE
TIME FOR THE APPROVED PURPOSE.]