

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3003**

4 (By Delegates Iaquina, Fleischauer, Longstreth,
5 Azinger, Hatfield, Craig, Wells, Howell,
6 R. Phillips and Paxton)

7 (Originating in the House Committee on the Judiciary)

8 [February 15, 2011]

9
10 A BILL to amend and reenact §15-1F-1 of the Code of West Virginia,
11 1931, as amended, relating to specifying additional activities
12 for which members of the National Guard or Armed Forces
13 Reserves who are also public officials and employees are
14 entitled to a leave of absence; and limiting applicability to
15 permanently employed persons.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §15-1F-1 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.**

20 **§15-1F-1. Leave of absence for public officials and employees for**
21 **drills, parades, active duty, etc.**

22 (a) All officers and employees of the state, or subdivisions
23 or municipalities thereof hired for permanent employment, who ~~shall~~
24 ~~be~~ are members of the National Guard or Armed Forces Reserves,
25 ~~shall be~~ are entitled to military leave of absence from their
26 respective offices or employments without loss of pay, status or
27 efficiency rating, on the days during which they are ordered, by
28 properly designated authority, to be engaged in drills, inactive

1 duty training, parades, funeral details, service schools or other
2 duty, during business hours, field training, annual training or
3 other full-time National Guard duty pursuant to Title 10 or Title
4 32 United States Code, or active service of the state, for a
5 maximum period of thirty working days, not to exceed two hundred
6 forty hours in any one calendar year.

7 (b) ~~Effective September 11, 2001,~~ All officers and employees
8 of the state, or subdivisions or municipalities thereof hired for
9 permanent employment, who are ordered or called to active duty for
10 a mobilization or deployment under Title 10 United States Code or
11 in support of a contingency operation as defined in 10 U.S.C.
12 §101(a) (13) by the properly designated federal authority ~~shall be~~
13 are entitled to a military leave of absence from their respective
14 offices or employments without loss of pay, status or efficiency
15 rating for a maximum period of thirty working days, not to exceed
16 two hundred forty hours for a single call to active duty:
17 *Provided,* That an officer or employee of the state, or subdivisions
18 or municipalities called to active duty who has not used all or
19 some portion of the thirty working days of military leave of
20 absence granted by subsection (a) ~~shall be~~ of this section are
21 entitled to add the number of unused days from that calendar year
22 to the thirty working days, not to exceed two hundred forty hours
23 granted by this subsection, up to a maximum of sixty days for a
24 single call to active duty: *Provided, however,* That none of the
25 unused days of military leave of absence granted by subsection (a)
26 of this section may be carried over and used in the next calendar
27 year.

28 (c) The term "without loss of pay" means that the officer or

1 employee shall continue to receive his or her normal salary or
2 compensation, notwithstanding the fact that ~~such~~ the officer or
3 employee may have received other compensation from federal or state
4 sources during the same period.