

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 382**

5 (SENATORS WELLS, JENKINS, STOLLINGS, PLYMALE, BEACH, YOST AND SYPOLT,
6 *original sponsors*)

7 _____
8 [Passed February 24, 2011; in effect ninety days from passage.]
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12 AN ACT to amend and reenact §15-1F-1 of the Code of West Virginia,
13 1931, as amended, relating to activities for which members of
14 the National Guard or armed forces reserve who are also public
15 officials and employees are entitled to a leave of absence;
16 setting the maximum number of hours eligible for leave in a
17 calendar year; and limiting applicability to public officials
18 and employees permanently employed.

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

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

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

23 **§15-1F-1. Leave of absence for public officials and employees for**
24 **drills, parades, active duty, etc.**

25 (a) Any officer or employee of state, county or municipal

1 government hired for permanent employment who is a member of the
2 National Guard or armed forces reserve, is entitled to a military
3 leave of absence from his or her respective office or employment
4 without loss of pay, status or efficiency rating, on the days
5 during which he or she is ordered, by properly designated
6 authority, to be engaged in drills, inactive duty training,
7 parades, funeral details, service schools or other duty, during
8 business hours, field training, annual training or other full-time
9 National Guard duty pursuant to Title 10 or Title 32 of the United
10 States Code, or active service of the state, for a maximum period
11 of thirty working days, not to exceed two hundred forty hours in
12 any one calendar year.

13 (b) Any officer or employee of state, county or municipal
14 government hired for permanent employment ordered or called to
15 active duty for a mobilization or deployment under Title 10 of the
16 United States Code or in support of a contingency operation as
17 defined in 10 U.S.C. §101(a)(13) by the properly designated
18 federal authority is entitled to a military leave of absence from
19 his or her respective office or employment without loss of pay,
20 status or efficiency rating for a maximum period of thirty working
21 days, not to exceed two hundred forty hours for a single call to
22 active duty: *Provided*, That an officer or employee of state, county
23 or municipal government called to active duty who has not used all
24 or some portion of the thirty working days of military leave of
25 absence granted by subsection (a) of this section is entitled to
26 add the number of unused days from that calendar year to the thirty

1 working days, not to exceed two hundred forty hours granted by this
2 subsection, up to a maximum of sixty days for a single call to
3 active duty: *Provided, however,* That none of the unused days of
4 military leave of absence granted by subsection (a) of this section
5 may be carried over and used in the next calendar year.

6 (c) The term "without loss of pay" means that the officer or
7 employee shall continue to receive his or her normal salary or
8 compensation, notwithstanding the fact that the officer or employee
9 may have received other compensation from federal or state sources
10 during the same period.