

COMMITTEE SUBSTITUTE

FOR

H. B. 3003

(BY DELEGATES IAQUINTA, FLEISCHAUER, LONGSTRETH,
AZINGER, HATFIELD, CRAIG, WELLS, HOWELL,
R. PHILLIPS AND PAXTON)

(Originating in the Committee on the Judiciary)
[February 15, 2011]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.

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

1 (a) All officers and employees of the state, or
2 subdivisions or municipalities thereof hired for permanent
3 employment, who ~~shall be~~ are members of the National
4 Guard or Armed Forces Reserves, ~~shall be~~ are entitled to
5 military leave of absence from their respective offices or
6 employments without loss of pay, status or efficiency rating,
7 on the days during which they are ordered, by properly
8 designated authority, to be engaged in drills, inactive duty
9 training, parades, funeral details, service schools or other
10 duty, during business hours, field training, annual training or
11 other full-time National Guard duty pursuant to Title 10 or
12 Title 32 United States Code, or active service of the state, for
13 a maximum period of thirty working days, not to exceed two
14 hundred forty hours in any one calendar year.

15 (b) ~~Effective September 11, 2001,~~ All officers and
16 employees of the state, or subdivisions or municipalities
17 thereof hired for permanent employment, who are ordered or
18 called to active duty for a mobilization or deployment under
19 Title 10 United States Code or in support of a contingency
20 operation as defined in 10 U.S.C. §101(a)(13) by the properly

21 designated federal authority ~~shall be~~ are entitled to a military
22 leave of absence from their respective offices or
23 employments without loss of pay, status or efficiency rating
24 for a maximum period of thirty working days, not to exceed
25 two hundred forty hours for a single call to active duty:
26 *Provided*, That an officer or employee of the state, or
27 subdivisions or municipalities called to active duty who has
28 not used all or some portion of the thirty working days of
29 military leave of absence granted by subsection (a) ~~shall be~~
30 of this section are entitled to add the number of unused days
31 from that calendar year to the thirty working days, not to
32 exceed two hundred forty hours granted by this subsection,
33 up to a maximum of sixty days for a single call to active
34 duty: *Provided, however*, That none of the unused days of
35 military leave of absence granted by subsection (a) of this
36 section may be carried over and used in the next calendar
37 year.

38 (c) The term "without loss of pay" means that the officer
39 or employee shall continue to receive his or her normal salary
40 or compensation, notwithstanding the fact that ~~such~~ the
41 officer or employee may have received other compensation
42 from federal or state sources during the same period.