

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 382**

(By Senators Wells, Jenkins, Stollings,  
Plymale, Beach, Yost and Sypolt)

---

[Originating in the Committee on Military;  
reported 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 reserve who are also public officials and employees are entitled to a military leave of absence; and setting the maximum number of hours which may be accumulated for a military leave of absence.

*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 subdivisions~~  
2 ~~or municipalities thereof, who shall be members~~ Any officer  
3 or employee of state, county or municipal government hired  
4 for permanent employment who is a member of the National  
5 Guard or ~~Armed Forces Reserves,~~ shall be armed forces  
6 reserve, is entitled to a military leave of absence from ~~their~~  
7 his or her respective ~~offices or employments~~ office or em-  
8 ployment without loss of pay, status or efficiency rating, on  
9 the days during which ~~they are~~ he or she is ordered, by  
10 properly designated authority, to be engaged in drills,  
11 inactive duty training, parades, funeral details, service  
12 schools or other duty, during business hours, field training,  
13 annual training or other full-time National Guard duty  
14 pursuant to Title 10 or Title 32 of the United States Code, or  
15 active service of the state, for a maximum period of thirty  
16 working days, not to exceed two hundred forty hours in any  
17 one calendar year.

18 (b) ~~Effective September 11, 2001, All officers and employ-~~  
19 ~~ees of the state, or subdivisions or municipalities thereof,~~

20 ~~who are~~ Any officer or employee of state, county or municipi-  
21 pal government hired for permanent employment ordered or  
22 called to active duty for a mobilization or deployment under  
23 Title 10 of the United States Code or in support of a contin-  
24 gency operation as defined in 10 U.S.C. §101(a)(13) by the  
25 properly designated federal authority ~~shall be~~ is entitled to  
26 a military leave of absence from their his or her respective  
27 ~~offices or employments~~ office or employment without loss of  
28 pay, status or efficiency rating for a maximum period of  
29 thirty working days, not to exceed two hundred forty hours  
30 for a single call to active duty: *Provided*, That an officer or  
31 employee of ~~the state, or subdivisions or municipalities~~ state,  
32 county or municipal government called to active duty who  
33 has not used all or some portion of the thirty working days  
34 of military leave of absence granted by subsection (a) ~~shall~~  
35 ~~be of this section~~ is entitled to add the number of unused  
36 days from that calendar year to the thirty working days, not  
37 to exceed two hundred forty hours granted by this subsec-  
38 tion, up to a maximum of sixty days for a single call to active  
39 duty: *Provided, however*, That none of the unused days of  
40 military leave of absence granted by subsection (a) of this  
41 section may be carried over and used in the next calendar  
42 year.

43 (c) The term “without loss of pay” means that the officer or  
44 employee shall continue to receive his or her normal salary  
45 or compensation, notwithstanding the fact that ~~such~~ the  
46 officer or employee may have received other compensation  
47 from federal or state sources during the same period.