

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 382**

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

6 \_\_\_\_\_  
7 [Originating in the Committee on Military;  
8 reported February 15, 2011.]  
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12 A BILL to amend and reenact §15-1F-1 of the Code of West Virginia,  
13 1931, as amended, relating to specifying additional activities  
14 for which members of the National Guard or armed forces  
15 reserve who are also public officials and employees are  
16 entitled to a military leave of absence; and setting the  
17 maximum number of hours which may be accumulated for a  
18 military leave of absence.

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) ~~All officers and employees of the state, or subdivisions~~

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

15 (b) ~~Effective September 11, 2001, All officers and employees~~  
16 ~~of the state, or subdivisions or municipalities thereof, who are~~  
17 Any officer or employee of state, county or municipal government  
18 hired for permanent employment ordered or called to active duty for  
19 a mobilization or deployment under Title 10 of the United States  
20 Code or in support of a contingency operation as defined in 10  
21 U.S.C. §101(a)(13) by the properly designated federal authority  
22 ~~shall be~~ is entitled to a military leave of absence from ~~their~~ his  
23 or her respective ~~offices~~ ~~or employments~~ office or employment  
24 without loss of pay, status or efficiency rating for a maximum  
25 period of thirty working days, not to exceed two hundred forty  
26 hours for a single call to active duty: *Provided,* That an officer

1 or employee of ~~the state, or subdivisions or municipalities~~ state,  
2 county or municipal government called to active duty who has not  
3 used all or some portion of the thirty working days of military  
4 leave of absence granted by subsection (a) ~~shall be~~ of this section  
5 is entitled to add the number of unused days from that calendar  
6 year to the thirty working days, not to exceed two hundred forty  
7 hours granted by this subsection, up to a maximum of sixty days for  
8 a single call to active duty: *Provided, however,* That none of the  
9 unused days of military leave of absence granted by subsection (a)  
10 of this section may be carried over and used in the next calendar  
11 year.

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