

**Senate Bill No. 382**

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

[Introduced February 2, 2011; referred to the Committee on Military; and then to the Committee on Finance.]

**FISCAL  
NOTE**

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 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.**

(a) All officers and employees of the state, or subdivisions or municipalities thereof, who ~~shall be~~ are members of the National Guard or Armed Forces Reserves, ~~shall be~~ are entitled to military

1 leave of absence from their respective offices or employments  
2 without loss of pay, status or efficiency rating, on the days  
3 during which they are ordered, by properly designated authority, to  
4 be engaged in drills, inactive duty training, parades, funeral  
5 details, service schools or other duty, during business hours,  
6 field training, annual training or other full-time National Guard  
7 duty pursuant to Title 10 or Title 32 United States Code, or active  
8 service of the state, for a maximum period of thirty working days,  
9 not to exceed two hundred forty hours in any one calendar year.

10 (b) ~~Effective September 11, 2001,~~ All officers and employees  
11 of the state, or subdivisions or municipalities thereof, who are  
12 ordered or called to active duty for a mobilization or deployment  
13 under Title 10 United States Code or in support of a contingency  
14 operation as defined in 10 U.S.C. §101(a)(13) by the properly  
15 designated federal authority ~~shall be~~ are entitled to a military  
16 leave of absence from their respective offices or employments  
17 without loss of pay, status or efficiency rating for a maximum  
18 period of thirty working days, not to exceed two hundred forty  
19 hours for a single call to active duty: *Provided*, That an officer  
20 or employee of the state, or subdivisions or municipalities called  
21 to active duty who has not used all or some portion of the thirty  
22 working days of military leave of absence granted by subsection (a)  
23 ~~shall be~~ of this section are entitled to add the number of unused  
24 days from that calendar year to the thirty working days, not to  
25 exceed two hundred forty hours granted by this subsection, up to a

1 maximum of sixty days for a single call to active duty: *Provided,*  
2 *however,* That none of the unused days of military leave of absence  
3 granted by subsection (a) of this section may be carried over and  
4 used in the next calendar year.

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

NOTE: The purpose of this bill is to specify 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.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.