

FILED

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WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 382

(SENATORS WELLS, JENKINS, STOLLINGS, PLYMALE,
BEACH, YOST AND SYPOLT, ORIGINAL SPONSORS)

[PASSED FEBRUARY 24, 2011; IN EFFECT 90 DAYS FROM PASSAGE.]

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OFFICE OF THE CLERK
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 382

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

[Passed February 24, 2011; in effect 90 days from passage.]

AN ACT to amend and reenact §15-1F-1 of the Code of West Virginia, 1931, as amended, relating to 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; setting the maximum number of hours eligible for leave in a calendar year; and limiting applicability to public officials and employees permanently employed.

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) Any officer or employee of state, county or municipal
- 2 government hired for permanent employment who is a

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Thomas A. Park
.....
Chairman Senate Committee

Huber Howe
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel Edwards
.....
Clerk of the Senate

Bugs M. By
.....
Clerk of the House of Delegates

Jeffrey H.
.....
Acting President of the Senate

Rich. Poy
.....
Speaker of the House of Delegates

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OFFICE OF THE CLERK
SECRETARY OF STATE

The within *is approved* this the *3rd*
Day of *March* , 2011.

Earl Ray Tomblin
.....
Governor



PRESENTED TO THE GOVERNOR

FEB 28 2011

Time 5:20 pm