

SENATE BILL NO. 1619

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

6920S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 41.942 and 105.270, RSMo, and to enact in lieu thereof two new sections relating to leaves of absence for military service, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 41.942 and 105.270, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 41.942 and 105.270, to read as follows:

41.942. 1. Notwithstanding the provisions of
2 subsection 1 of section 105.270, any officer or employee of
3 this state, or of any department or agency of this state, or
4 of any county, municipality, school district or other
5 political subdivision, and any other public employee of this
6 state, who is or may become a member of the National Guard
7 or of any reserve component of the Armed Forces of the
8 United States and who is engaged in the performance of duty
9 in the service of the United States under competent orders
10 for an extended and indefinite period of time, shall be
11 entitled to leave of absence from his **or her** respective
12 duties as a public officer or employee until such military
13 service is completed without loss of position, seniority,
14 accumulated leave, impairment of performance appraisal, pay
15 status, work schedule including shift, working days and days
16 off assigned to the officer or employee at the time leave
17 commences, and any other right or benefit to which the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 officer or employee is entitled, and no retirement benefit
19 shall be diminished or eliminated because of such service.

20 2. The officer or employee shall file with the
21 appointing authority or supervising agency an official order
22 from the appropriate military authority as evidence of such
23 duty for which the leave of absence is granted.

24 **3. A volunteer firefighter, as defined in section**
25 **320.333, shall be entitled to all protections of this**
26 **section applicable to public employees other than**
27 **protections relating to monetary compensation, as defined in**
28 **section 320.333.**

105.270. 1. All officers and employees of this state,
2 or of any department or agency thereof, or of any county,
3 municipality, school district, or other political
4 subdivision, and all other public employees of this state
5 who are or may become members of the National Guard or of
6 any reserve component of the Armed Forces of the United
7 States, shall be entitled to leave of absence from their
8 respective duties, without loss of time, pay, regular leave,
9 impairment of efficiency rating, or of any other rights or
10 benefits, to which otherwise entitled, for all periods of
11 military services during which they are engaged in the
12 performance of duty or training in the service of this state
13 at the call of the governor and as ordered by the adjutant
14 general without regard to length of time, and for all
15 periods of military services during which they are engaged
16 in the performance of duty in the service of the United
17 States under competent orders for a period not to exceed a
18 total of [one hundred twenty hours] **thirty-eight working**
19 **days** in any federal fiscal year.

20 2. Before any payment of salary is made covering the
21 period of the leave the officer or the employee shall file

22 with the appointing authority or supervising agency an
23 official order from the appropriate military authority as
24 evidence of such duty for which military leave pay is
25 granted which order shall contain the certification of the
26 officer or employee's commanding officer of performance of
27 duty in accordance with the terms of such order.

28 3. No member of the organized militia shall be
29 discharged from employment by any of the aforementioned
30 agencies because of being a member of the organized militia,
31 nor shall he **or she** be hindered or prevented from performing
32 any militia service he **or she** may be called upon to perform
33 by proper authority nor otherwise be discriminated against
34 or dissuaded from enlisting or continuing his **or her** service
35 in the militia by threat or injury to him **or her** in respect
36 to his **or her** employment. Any officer or agent of the
37 aforementioned agencies violating any of the provisions of
38 this section is guilty of a misdemeanor.

39 4. Notwithstanding the provisions of any other
40 administrative rule or law to the contrary, any person
41 entitled to military leave pursuant to the provisions of
42 subsection 1 of this section shall only be charged military
43 leave for any hours which that person would otherwise have
44 been required to work had it not been for such military
45 leave. The minimum charge for military leave shall be one
46 hour and additional charges for military leave shall be in
47 multiples of the minimum charge.

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