

FIRST REGULAR SESSION

HOUSE BILL NO. 492

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WEBBER (Sponsor), KANDER, LeVOTA, LOW, WEBB, BURNETT, GRILL, TALBOY, KELLY, CALLOWAY, BRINGER, SKAGGS, HUGHES, FISCHER (107), ENGLUND, STILL, SCAVUZZO, PACE, SHIVELY, AND McCLANAHAN (Co-sponsors).

0285L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to military leave for public employees, with a penalty provision.

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

Section A. Section 105.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.270, to read as follows:

105.270. 1. All officers and employees of this state, or of any department or agency thereof, or of any county, municipality, school district, or other political subdivision, and all other public employees of this state who are or may become members of the national guard or of any reserve component of the armed forces of the United States, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of this state at the call of the governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of one hundred twenty hours in any federal fiscal year. **For all such periods of military leave of absence in excess of one hundred twenty hours in any federal fiscal year for officers and employees of this state, such officers and employees whose military pay received is less than the payment of salary the officer or employee would have received from the state for the same time period shall be entitled to monthly compensation**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **from the state for a portion of the officer's or employee's salary in an amount equal to the**
17 **difference between any military monthly pay received by the officer or employee and the**
18 **officer's or employee's monthly salary from the state at the time of such officer's or**
19 **employee's military leave of absence.**

20 2. Before any payment of salary is made covering the period of the leave the officer or
21 the employee shall file with the appointing authority or supervising agency an official order from
22 the appropriate military authority as evidence of such duty for which military leave pay is granted
23 which order shall contain the certification of the officer or employee's commanding officer of
24 performance of duty in accordance with the terms of such order.

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

32 4. Notwithstanding the provisions of any other administrative rule or law to the contrary,
33 any person entitled to military leave pursuant to the provisions of subsection 1 of this section
34 shall only be charged military leave for any hours which that person would otherwise have been
35 required to work had it not been for such military leave. The minimum charge for military leave
36 shall be one hour and additional charges for military leave shall be in multiples of the minimum
37 charge.

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