

SECOND REGULAR SESSION

HOUSE BILL NO. 2049

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (14).

4941L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to the military leave of public employees, with penalty provisions.

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Section A. Section 105.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.270, to read as follows: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. **At the option of an employee, an employee may use any combination of the employee's accrued annual leave, compensatory time, paid military leave, or leave without pay during the period the employee is absent to perform military service.**

2. Before any payment of salary is made covering the period of the leave the officer or the employee shall file with the appointing authority or supervising agency an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted

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.

18 which order shall contain the certification of the officer or employee's commanding officer of
19 performance of duty in accordance with the terms of such order.

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

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

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