

KENTUCKY LAW

61.394 State employees' leave of absence -- Pay -- Unused military leave. (Effective until January 1, 2019)

All officers and employees of this state, or of any department or agency thereof who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, 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 they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 194, sec. 2, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 95, sec. 2, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 434, sec. 1, effective July 15, 1994. -- Created 1962 Ky. Acts ch. 51, sec. 1.

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(a) Except as provided in subsections (d) and (e), this section applies to all officers and employees of the state or any county, township, municipality, or school corporation in Indiana who are members.

(b) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to regular vacation period without loss of time or pay for the time that the member is:

- (1) on training duties of the state under the order of the governor as commander in chief; or
- (2) a member of any reserve component under the order of the reserve component authority;

for any consecutive or nonconsecutive period that does not exceed a total of fifteen (15) days in any calendar year. The entitlement to a leave of absence without loss of time or pay provided in this subsection is not at the discretion of the member's employer.

(c) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to the member's regular vacation period for the total number of days that the member is on state active duty under section 7 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000009&refType=LC>) of this chapter or other active duty described in section 23 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000009&refType=LC>) of this chapter.

Except as provided in subsections (d) and (e), a leave of absence provided under this subsection may be with or without loss of time or pay at the discretion of the member's employer.

(d) A leave of absence granted under subsection (c) to a qualified member by the qualified member's employer must be granted without loss of time.

(e) In addition to any other benefits provided in this chapter, a qualified member is entitled to receive compensation equal to the difference between the qualified member's active duty military pay and the salary that the qualified member would have received from the qualified member's employer if the qualified member had not been called to active duty. The employer shall pay the qualified member compensation under this subsection for the duration of the qualified member's active duty military service. The employer shall pay the qualified member's compensation under this subsection from money appropriated to the employer.

Georgia Law

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2010 Georgia Code

TITLE 38 - MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS

CHAPTER 2 - MILITARY AFFAIRS

ARTICLE 3 - PERSONNEL

PART 4 - RIGHTS, PRIVILEGES, AND PROHIBITIONS

§ 38-2-279 - Rights of public officers and employees absent on military duty as members of organized militia or reserve forces

O.C.G.A. 38-2-279 (2010)

38-2-279. Rights of public officers and employees absent on military duty as members of organized militia or reserve forces

(a) Definitions. As used in this Code section, the term:

(1) "Ordered military duty" means any military duty performed in the service of the state or of the United States including but not limited to attendance at any service school or schools conducted by the armed forces of the United States by a public officer or employee as a voluntary member of the National Guard or of any reserve force or reserve component of the armed forces of the United States pursuant to orders issued by competent state and

federal authority.

(2) "Public officer or employee" means every person, by whatever title, description, or designation known, who receives any pay, salary, or compensation of any kind from the state, a county, municipal corporation, or any other political subdivision or who is in any department of the state, but shall not include persons employed by the state, a county, municipal corporation, or any other political subdivision on a temporary basis.

(b) Every public officer or employee shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from duties or service as a public officer or employee while engaged in the performance of ordered military duty and while going to and returning from such duty. Notwithstanding Code Section 45-5-1 or any other provision of law, a public office shall not be considered vacated or abandoned by a public officer while on ordered military duty.

(c) Leave of absence while attending service schools. Every public officer or employee who is or becomes a voluntary member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from duties or service as a public officer or employee while in attendance as a member of such force or reserve component at any service school or schools conducted by the armed forces of the United States for a period or periods up to and including six months and while going to and returning from the school or schools, notwithstanding that orders for such attendance are or may be issued with the consent of the public officer or employee. However, no public officer or employee shall be entitled to absent himself or herself in excess of a total of six months during any four-year period.

(d) Employment rights. Time during which a public officer or employee is absent pursuant to subsections (b) and (c) of this Code section shall not constitute an interruption of continuous employment and, notwithstanding any general, special, or local law or any city charter, no such officer or employee shall be subjected directly or indirectly to any loss or diminution of time, service, increment, vacation, holiday privileges, or any other right or privilege by reason of such absence or be prejudiced with reference to continuance in office or employment, reappointment to office, reemployment, reinstatement, transfer, or promotion by reason of such absence.

(e) Every public officer or employee shall be paid his or her salary or other compensation as

such public officer or employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year. In the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year.

(e.1)(1) On and after July 1, 2002, every public officer or employee may be paid by the government employer the difference between his or her government salary and his or her military salary for any or all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, after expiration of the payment period provided for in subsection (e) of this Code section.

(2) To the extent that funds are appropriated or otherwise made available to the Department of Community Affairs for such purpose, the department may provide grants to counties, municipal corporations, and other political subdivisions to reimburse them for their costs incurred under paragraph (1) of this subsection. The department shall provide by rule for the administration of such grant program; and such rules shall provide for pro rata distribution in the event that the funds available are insufficient to reimburse all such costs.

(f) Rights and contributions under retirement systems.

(1) The amount of required contributions to any pension or retirement system of which a public officer or employee, absent while engaged in the performance of ordered military duty, is a member shall be deducted from the salary or other compensation paid to such public officer or employee as a public officer or employee as provided in this Code section. If the required contributions exceed the amount of such salary or other compensation to which a public officer or employee is entitled while engaged in the performance of military duty, the amount of the salary or other compensation shall be applied upon the required contributions; and the public officer or employee shall have the right to pay to the pension or retirement system the amount by which the contributions exceed the salary or other compensation. The public officer or employee shall also have the right to pay to the system, for any period of such absence during which he or she shall receive no salary or other compensation as a public officer or employee, the amount that he or she would have contributed to the system if he or she had been present and continuously engaged in the performance of the duties of his or her position during such period.

(2) Payments made pursuant to paragraph (1) of this subsection, other than those deducted from his or her salary or other compensation as an officer or employee, may be paid from time to time at any time while engaged in ordered military duty or within five years after the date of termination of the ordered military duty or, in the event of the death of the public officer or employee while engaged in ordered military duty, the payments or any part thereof may be made by the named beneficiary or the legal representative of the public officer's or employee's estate within one year following proof of such death.

(3) To the extent that contributions made pursuant to paragraphs (1) and (2) of this subsection are paid, the period of absence while engaged in the performance of ordered military duty shall be counted in determining the length of total service under the pension or retirement system.

(4) While engaged in the performance of ordered military duty, any such public officer or employee or his or her beneficiary, as the case may be, shall be entitled to all the benefits of the pension or retirement system of which such public officer or employee is a member, except accidental disability retirement and accidental death benefit.

(g) Notwithstanding the provisions of Chapter 14 of Title 50, an agency, as defined by subsection (a) of Code Section 50-14-1, shall be authorized to conduct meetings by telecommunications conference in the event that one or more of the agency's members is on ordered military duty at the time of such meeting, provided that any such meeting is conducted in compliance with such chapter. The members of the agency, including those on ordered military duty, shall be authorized to participate and make decisions during such a telecommunications conference.

(h) Exception as to draftees, etc. This Code section shall not apply to:

(1) Any public officer or employee who was or is involuntarily transferred, assigned, drafted, or inducted to or into any of the forces of the organized militia or any of the reserve forces or reserve components of the armed forces of the United States; or

(2) Any public officer or employee who was or is inducted into the armed forces of the United States, but not as a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States.

The Florida Senate

2015 Florida Statutes

FLORIDA LAW

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| <u>Title X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS | <u>Chapter 115</u> LEAVES OF ABSENCE TO OFFICIALS AND EMPLOYEES <u>Entire Chapter</u> | SECTION 09 Leave to public officials for military service. |
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115.09 Leave to public officials for military service.— All officials of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and community college officers, which officials are also servicemembers in the National Guard or a reserve component of the Armed Forces of the United States, shall be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay.

History.—ss. 1, chs. 20718, 20863, 1941; s. 1, ch. 69-300; s. 1, ch. 91-3; s. 8, ch. 2003-72.

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Title 51

Pennsylvania Law

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§ 4102. Leaves of absence for certain government employees.

(a) Mandatory.--

(1) The following shall apply to paid military leaves of absence:

(i) All officers and employees of the Commonwealth, its political subdivisions or their instrumentalities shall be entitled to paid military leaves of absence from their respective duties without loss of pay or efficiency rating, and without being required to use annual vacation time, as follows:

(A) On all days during which they shall, as members of the Pennsylvania National Guard, be engaged in active State duty under section 508 (relating to active duty for emergency).

(B) On all days not exceeding 15 consecutive or nonconsecutive days in any one year during which they shall, as members of the Pennsylvania National Guard or as members of any reserve component of the armed forces of the United States, be engaged in training or other military duty under orders authorized by Federal or State law.

(ii) All officers and employees of the Commonwealth or its instrumentalities, except for officers and employees of political subdivisions and their instrumentalities, shall be entitled to up to 15 days of paid military leave in addition to the leave under subparagraph (i) in any one year if the officers and employees are ordered to active duty, other than active duty for training, and all of the following apply:

(A) The duty is ordered for a period of at least 30 consecutive days.

(B) The duty is involuntary or is performed in a zone of combat, in response to a domestic emergency or pursuant to a contingency operations service agreement.

(C) The duty is performed while the member is deployed at least 50 miles away from both the member's home duty station and place of residence.

(D) The duty is ordered under 10 U.S.C. § 12301 (relating to Reserve components generally), 12302 (relating to Ready Reserve) or 12304 (relating to Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency) or 32 U.S.C. § 502(f) (relating to required drills and field exercises).

(2) All officers and employees of the Commonwealth, a political subdivision, or their instrumentalities shall, in addition to the leave provided under this subsection, be entitled to unpaid military leave of absence, up to the maximum cumulative period authorized by 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services), from their respective duties without loss of seniority or efficiency rating and without being required to use annual vacation time on all days during which:

(i) they are engaged in training or other military duty under orders authorized by Federal or State law; and

(ii) they are not on paid military leave of absence

(11) they are not on paid military leave or absence.

(b) Discretionary leave.--The Commonwealth, its instrumentalities and political subdivisions and their instrumentalities shall be authorized and permitted to provide paid military leave or other compensation and/or continue medical and other benefits to members of the Pennsylvania National Guard and other reserve components of the United States Armed Forces for days in excess of those provided in subsection (a) when the member shall be engaged in training or other military duty under orders authorized by Federal or State law.

(c) Calculation of leave.--

(1) An employee who is on paid or unpaid military leave for a period encompassing one entire calendar day shall be charged with one day's military leave on each workday notwithstanding the number of hours encompassed in the employee's workday. An employee on paid military leave shall be paid for the leave based on the compensation due for the leave period.

(2) An employee who is on paid or unpaid military leave of absence for a shift that extends into two consecutive calendar days shall be charged with only one day of military leave if the employee returns to work for the next regular shift.
(Dec. 17, 1990, P.L.700, No.174, eff. imd.; Nov. 1, 2005, P.L.327, No.62, eff. imd.; Nov. 9, 2006, P.L.1383, No.150, eff. 60 days; Nov. 1, 2013, P.L.667, No.80, eff. imd.)

2006 Amendment. Section 2 of Act 150 provided that Act 150 shall be retroactive to January 1, 2005, for officers and employees who did not qualify under subsec. (a)(2) as amended by Act 62 of 2005 and shall apply prospectively for all other officers and employees.

2005 Amendment. Section 3 of Act 62 provided that Act 62 shall be retroactive to January 1, 2005.

Cross References. Section 4102 is referred to in sections 8102, 8302, 8506 of Title 24 (Education); sections 5102, 5302, 5902, 5906 of Title 71 (State Government).

TITLE VIII *NEW HAMPSHIRE* PUBLIC DEFENSE AND VETERANS' AFFAIRS

CHAPTER 112 PUBLIC OFFICERS OR EMPLOYEES, OR PERSONS IN PRIVATE EMPLOYMENT ENTERING ARMED FORCES OF UNITED STATES; MILITARY LEAVE

Military Leave

Section 112:9

112:9 State Employees. –

I. Any regular employee of the state of New Hampshire who is a member of any reserve component of the armed forces of the United States or of this state shall, upon request, be entitled to not more than 15 days leave of absence with pay in any one training year for the purpose of engaging in military drill, training, or other temporary duty under military or naval authority. The provisions of this section shall not apply to any such employee who has been inducted or has enlisted in active service in the armed forces of the United States.

II. Any regular employee of the state of New Hampshire who uses 15 days leave of absence under paragraph I shall, in addition, be entitled to up to 30 days of partial pay, as defined in RSA 110-B:37, IV(a), for any additional military drill or training under military or naval authority.

Source. 1947, 109:1. 1951, 121:1, par. 21. RSA 112:9. 1967, 168:1. 1983, 276:8, eff. Aug. 17, 1983. 2014, 118:1, eff. Aug. 15, 2014.

Massachusetts Law

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| Part I | ADMINISTRATION OF THE GOVERNMENT |
| Title V | MILITIA |
| Chapter 33 | MILITIA |
| Section 59 | EFFECT OF MILITARY SERVICE ON SALARY, SENIORITY AND LEAVE ALLOWANCES OF PUBLIC EMPLOYEES |

[Subsection (a) effective until July 14, 2016. For text effective July 14, 2016, see below.]

Section 59. (a) An employee of the commonwealth in the service of the armed forces of the commonwealth or a reserve component of the armed forces of the United States shall be entitled to receive pay without loss of ordinary remuneration as a public employee during annual training under section 60 or drills and parades under section 61, not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

[Subsection (a) as amended by 2016, 141, Secs. 6 and 7 effective July 14, 2016. For text effective until July 14, 2016, see above.]

(a) An employee of the commonwealth in the service of the armed forces of the commonwealth or a reserve component of the armed forces of the United States shall be entitled to receive pay without loss of ordinary remuneration as a public employee during service in the