

SECOND REGULAR SESSION

# HOUSE BILL NO. 3083

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ALLEN.

6871H.011

JOSEPH ENGLER, Chief Clerk

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### 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.

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Section A. Sections 41.942 and 105.270, RSMo, are repealed and two new sections  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

41.942. 1. Notwithstanding the provisions of subsection 1 of section 105.270, any  
2 officer or employee of this state, or of any department or agency of this state, or of any  
3 county, municipality, school district or other political subdivision, and any other public  
4 employee of this state, who is or may become a member of the National Guard or of any  
5 reserve component of the Armed Forces of the United States and who is engaged in the  
6 performance of duty in the service of the United States under competent orders for an  
7 extended and indefinite period of time, shall be entitled to leave of absence from his **or her**  
8 respective duties as a public officer or employee until such military service is completed  
9 without loss of position, seniority, accumulated leave, impairment of performance appraisal,  
10 pay status, work schedule including shift, working days and days off assigned to the officer or  
11 employee at the time leave commences, and any other right or benefit to which the officer or  
12 employee is entitled, and no retirement benefit shall be diminished or eliminated because of  
13 such service.

14 2. The officer or employee shall file with the appointing authority or supervising  
15 agency an official order from the appropriate military authority as evidence of such duty for  
16 which the leave of absence 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.

17           **3. A volunteer firefighter, as defined in section 320.333, shall be entitled to all**  
18 **protections of this section applicable to public employees other than protections relating**  
19 **to monetary compensation, as defined in section 320.333.**

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

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

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

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

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