

SECOND REGULAR SESSION

# HOUSE BILL NO. 1934

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MERIDETH, HOLAND, RICHARDSON, MYERS, BLACK,  
BRITT, KOLLER (Co-sponsors) AND WAGNER.

Read 1<sup>st</sup> time February 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4321L.011

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### AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to a state employee's leave of absence to perform military duties.

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*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Section A. Section 105.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.270, to read as follows: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 fifteen calendar days in any federal fiscal year; **provided, that any such employee engaged in the performance of duty in the service of the United States under competent orders for more than fifteen calendar days shall receive the difference between the employee's regular gross monthly wage or salary and the sum of the employee's gross pay as a member of the national guard or any reserve component of the armed forces of the United States and allowances received that month. No employee shall receive payments**

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

17 **pursuant to this section if the sum of the employee's monthly gross pay and allowances as**  
18 **a member of the national guard or any reserve component of the armed forces of the**  
19 **United States exceeds the employee's regular gross monthly wage or salary.**

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 **such member** be hindered or prevented from performing any militia service [he] **the member**  
28 may be called upon to perform by proper authority nor otherwise be discriminated against or  
29 dissuaded from enlisting or continuing [his service] **to serve** in the militia by threat or injury [to  
30 him] in respect to [his] **the member's** employment. Any officer or agent of the aforementioned  
31 agencies violating any of the provisions of this section is guilty of a misdemeanor.

32         **4. Notwithstanding any collective bargaining agreement or other agreement or law**  
33 **to the contrary, the state, or any department, agency, or political subdivision thereof, at the**  
34 **request of any employee who is employed by the state or any department, agency, or**  
35 **political subdivision thereof and who is called to active duty for more than fifteen calendar**  
36 **days as described in subsection 1 of this section, or at the request of such employee's spouse**  
37 **or dependent, shall continue or reactivate the health, medical, hospital, dental, vision, and**  
38 **surgical benefits coverage, whether provided by an insurance company, health insuring**  
39 **corporation, or other health benefit plan or entity, of the person for the duration of the**  
40 **time the employee is engaged in active duty as described in subsection 1 of this section. The**  
41 **employee, or the employee's spouse or dependent, who requests the continuation or**  
42 **reactivation of the coverage and the employing state or state entity are each liable for**  
43 **payment of the same costs for the coverage as if the employee were not on a leave of**  
44 **absence.**