



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-984 Military service: leave of absence: pay and benefits. (2021-2022)

SHARE THIS:  

Date Published: 09/19/2022 02:00 PM

Senate Bill No. 984

CHAPTER 384

An act to amend Sections 19774 and 19775.1 of the Government Code, relating to military service.

[Approved by Governor September 17, 2022. Filed with Secretary of State September 17, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 984, Archuleta. Military service: leave of absence: pay and benefits.

Existing law specifies that employee members of reserve military units and the National Guard required to attend scheduled reserve drill periods or perform other inactive duty reserve obligations shall be granted military leave of absence without pay as provided by federal law, as specified. Existing law also, notwithstanding that or any other provision, authorizes employee members to elect to use vacation time or accumulated compensatory time off to attend scheduled reserve drill periods or perform other inactive duty reserve obligations.

This bill would recast those provisions to instead require that employee members of reserve military units and the National Guard required to perform inactive duty obligations, other than inactive and active duty training drill periods, as specified, be granted military leave of absence without pay as provided by federal law. The bill would also authorize employee members that attend or perform inactive duty obligations, other than inactive and active duty training drill periods, as specified, to elect to use vacation time or accumulated compensatory time off to attend those other obligations.

Existing law specifies that an employee who is granted a short-term military leave of absence for active military duty, but not for inactive duty, including scheduled reserve drill periods, and who for a period of not less than one year immediately before the effective date of active duty has had continuous state service that is not broken by a permanent separation, or who has had continuous state service immediately before the effective date of active duty not broken by a permanent separation and sufficient recognized military service to equal one year, shall be entitled to receive their salary or compensation for the first 30 calendar days of active duty served during the absence.

This bill would also entitle an employee to receive that compensation for short-term military leave of absence for National Guard active duty and inactive duty training drill periods.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 19774 of the Government Code is amended to read:

19774. (a) Employee members of reserve military units and the National Guard required to perform inactive duty obligations, other than inactive and active duty training drill periods as set forth in Section 19775.1, shall be granted military leave of absence

without pay as provided by federal law. Employee members who attend or perform inactive duty obligations, other than inactive and active duty training drill periods, as set forth in Section 19775.1, may elect to use vacation time or accumulated compensatory time off to attend those other obligations.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions may not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 2. Section 19775.1 of the Government Code is amended to read:

19775.1. (a) An employee who is granted a short-term military leave of absence for active military duty, including, but not limited to, scheduled military reserve unit drill periods and National Guard active duty and inactive duty training drill periods, and who for a period of not less than one year immediately before the effective date of active duty has had continuous state service as defined by rule that is not broken by a permanent separation, or who has had continuous state service immediately before the effective date of active duty not broken by a permanent separation and sufficient recognized military service that need not be contiguous to equal one year, shall be entitled to receive their salary or compensation for the first 30 calendar days of active duty served during the absence. The term "active duty" for the 30-day salary or compensation shall include National Guard inactive duty training.

(b) An employee who is granted emergency military leave under Section 19773, shall receive their salary or compensation as a state employee while going to, engaging in, and returning from the duty. The employee shall not receive their salary or compensation for more than 30 days each time they are granted the emergency military leave.