

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 430

An Act to amend and reenact §§ 44-93 and 44-204 of the Code of Virginia, relating to military personnel; leaves of absence.

[H 231]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-93 and 44-204 of the Code of Virginia are amended and reenacted as follows:

§ 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.

A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States or National Guard shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of § 44-75.1 or § 44-78.1.

There shall be no loss of regular employer pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed ~~fifteen~~ 21 workdays per federal fiscal year, and except that no officers or employees shall receive paid leave for more than ~~fifteen~~ 21 workdays per federally funded tour of active military duty.

When relieved from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay, if the position exists, or in a comparable vacant position for which they are qualified, unless to do so would be unreasonable.

For the purposes of this section, with respect to employees of the Commonwealth or its political subdivisions who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military leave, or other absences. Where such employee returns from federally funded military duty and the eight-hour rest period required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4301 et seq.) overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap.

B. In addition to the provisions of subsection A, any local government may pay such employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

§ 44-204. Leaves of absence for employees of Commonwealth or political subdivisions.

All officers and employees of the Commonwealth, or of any political subdivision of the Commonwealth who are members of the Virginia State Defense Force or National Defense Executive Reserve shall be entitled to leaves of absence from their respective duties without loss of pay, seniority, accrued leave or efficiency rating on all days during which they shall be engaged in training approved by the Governor or his designee, not to exceed ~~fifteen~~ 21 workdays per federal fiscal year. When relieved from such duty, they shall be restored to positions held by them when ordered to duty.