

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 231]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 44-93 and 44-204 of the Code of Virginia are amended and reenacted as follows:**8 **§ 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.**

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

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

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

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

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

34 **§ 44-204. Leaves of absence for employees of Commonwealth or political subdivisions.**

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

ENROLLED

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