

REFERENCE TITLE: **military duty; technical correction**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2073

Introduced by
Representative Nelson

AN ACT

**AMENDING SECTION 26-168, ARIZONA REVISED STATUTES; RELATING TO THE NATIONAL
GUARD.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 26-168, Arizona Revised Statutes, is amended to
3 read:
4 26-168. Absence from employment for military duty; vacation and
5 seniority rights; violation; classification
6 A. An employer shall not refuse to permit members of the national
7 guard to take leaves of absence from employment for the purpose of complying
8 with competent orders of the state or United States for active duty, or to
9 attend camps, maneuvers, formations or armory drills. The leaves of absence
10 shall not affect vacation rights which employees otherwise have, except that
11 an employer need not consider the period of absence as a period of work
12 performed for him in determining eligibility for vacation and the amount of
13 vacation pay to which the employee is entitled.
14 B. A member of the national guard shall not lose seniority or
15 precedence while absent under competent military orders. Upon return to
16 employment the employee shall be returned to his previous position, or to a
17 higher position commensurate with his ability and experience as seniority or
18 precedence would ordinarily entitle him.
19 C. An officer or employee of the state, or any department or political
20 subdivision thereof, who is a member of the national guard shall be entitled
21 to leave of absence from his duties without loss of time or efficiency rating
22 on all days during which he is engaged in field training as provided by this
23 chapter and for a period during leave of absence not to exceed thirty days in
24 any two consecutive years he shall be entitled to his pay. For purposes of
25 this section, an officer or employee shall not be charged military leave for
26 days on which the individual was not otherwise scheduled for work.
27 D. When ordered by the governor to perform training or duty under this
28 section or section 26-171, subsection C, section 26-172 or SECTION 26-175,
29 members of the Arizona national guard shall have the protections afforded to
30 persons on federal active duty by the soldiers and sailors civil relief act
31 of 1940 (54 Stat. 1178~~,-~~; 50 United States Code ~~Annotated~~ App. sections 501
32 through 548 and 560 through 591)~~,-~~ and by the uniformed services employment
33 and reemployment rights act of 1994 (108 Stat. 3149~~,-~~; 38 United States Code
34 ~~Annotated~~ sections 4301 through 4333).
35 E. A person violating any provision of subsection A or B of this
36 section is guilty of a class 3 misdemeanor.