House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 196

HOUSE BILL 2540

AN ACT

AMENDING SECTION 38-610, ARIZONA REVISED STATUTES; AMENDING TITLE 38, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-610.02; RELATING TO PUBLIC OFFICERS AND EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 38-610, Arizona Revised Statutes, is amended to read:

38-610. Leave of absence for certain federal training; definition

A. The officers and employees of ~~the~~ THIS state, ~~or of~~ any county, city or town~~,~~ or ~~of~~ any agency or political subdivision ~~thereof~~ OF THIS STATE, A COUNTY, CITY OR TOWN, shall be granted leaves of absence from their duties without loss of time, pay or efficiency rating:

1. On all days during which they are employed on training duty or to attend camps, maneuvers, formations or drills under orders with any branch, reserve or auxiliary of the armed forces of the United States for a period of not to exceed thirty days in any two consecutive years.

2. ON ALL DAYS DURING WHICH THEY ARE EMPLOYED ON TRAINING DUTY BY THE NATIONAL DISASTER MEDICAL SYSTEM UNDER THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

B. For THE purposes of ~~this section~~ SUBSECTION A, PARAGRAPH 1, an officer or employee shall not be charged military leave for days on which the individual was not otherwise scheduled for work. The period of time spent in training under orders shall not be deducted from the vacation period with pay to which any officer or employee is otherwise entitled.

~~B.~~ C. For the purposes of this section, "year" means the fiscal year of the United States government.

Sec. 2. Title 38, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 38-610.02, to read:

38-610.02. Leave of absence and compensation for national disaster medical system employment

A. AN OFFICER OR EMPLOYEE OF THIS STATE WHO IS CALLED INTO EMPLOYMENT TO THE NATIONAL DISASTER MEDICAL SYSTEM UNDER THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND WHOSE STATE EMPLOYMENT IS COVERED BY TITLE 41, CHAPTER 4, ARTICLES 5 AND 6 OR WHO IS EXEMPT PURSUANT TO SECTION 41-771, SUBSECTION A, PARAGRAPH 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 OR 13 OR SUBSECTION B, PARAGRAPH 1, 2, 3, 4, 5, 7 OR 8 IS ELIGIBLE FOR AN ADDITIONAL LEAVE OF ABSENCE UNTIL RELEASED FROM ACTIVE DUTY BY COMPETENT AUTHORITY. DURING THE ADDITIONAL LEAVE OF ABSENCE, THE OFFICER OR EMPLOYEE SHALL CONTINUE TO RECEIVE THE OFFICER'S OR EMPLOYEE'S SALARY OR COMPENSATION, LESS THE AMOUNT OF ALL PAY AND ALLOWANCES FOR ACTIVITIES WHILE ON ACTIVE DUTY WITH THE NATIONAL DISASTER MEDICAL SYSTEM.

B. AN OFFICER OR EMPLOYEE WHO RECEIVES SALARY OR COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT ENTITLED TO ACCRUE ANNUAL LEAVE OR SICK LEAVE DURING THE PERIOD OF ACTIVE DUTY.

C. AN OFFICER OR EMPLOYEE MAY RECEIVE COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION FOR THE CONTINUOUS DURATION OF THE OFFICER'S OR EMPLOYEE'S ORDER.

D. WITHIN SIXTY DAYS AFTER AN OFFICER OR EMPLOYEE WHO RECEIVES PAY DIFFERENTIAL PURSUANT TO THIS SECTION COMPLETES THE PERIOD OF ACTIVE DUTY, THE OFFICER OR EMPLOYEE SHALL PROVIDE PROOF THAT THE OFFICER OR EMPLOYEE RENDERED HONORABLE SERVICE WHILE ON ACTIVE DUTY DURING ANY PERIOD FOR WHICH THE OFFICER OR EMPLOYEE RECEIVED THE PAY DIFFERENTIAL PURSUANT TO THIS SECTION. THIS STATE MAY SEEK RECOVERY OF THE PAY DIFFERENTIAL FROM ANY PERSON WHO FAILS TO PROVIDE PROOF OF HONORABLE SERVICE.

E. THE RIGHTS AND DUTIES OF AN OFFICER OR EMPLOYEE WHO IS SUBJECT TO THIS SECTION IS SUBJECT TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (38 UNITED STATES CODE CHAPTER 43).

F. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH PROCEDURES TO BE USED BY AN ELIGIBLE OFFICER OR EMPLOYEE TO RECEIVE COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.