

2025 SESSION

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1 **HOUSE BILL NO. 1602**

2 Offered January 13, 2025

3 Prefiled January 3, 2025

4 A BILL to amend and reenact §§ 44-93 and 44-204 of the Code of Virginia, relating to military leaves of
5 absence for employees of the Commonwealth or political subdivisions; law-enforcement officers.

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7 Patrons—Thomas, Helmer, Tran and Griffin

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9 Referred to Committee on Public Safety

10 **Be it enacted by the General Assembly of Virginia:**

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

12 **§ 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.**

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

19 There shall be no loss of regular employer pay during such leaves of absence, except that paid leaves of
20 absence for federally funded military duty, to include training duty, shall not exceed 21 workdays per federal
21 fiscal year, unless such officer or employee is a professional firefighter or a law-enforcement officer as
22 defined in § 9.1-101, and except that no officers or employees shall receive paid leave for more than 21
23 workdays per federally funded tour of active military duty. Any officer or employee of the Commonwealth or
24 of any political subdivision of the Commonwealth who is a professional firefighter or a law-enforcement
25 officer as defined in § 9.1-101 shall receive paid leaves of absence for all work hours for which a leave of
26 absence is required, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal
27 year but shall not exceed a total of 388 work hours, during which such officer or employee who is a
28 professional firefighter is engaged in federally funded military duty, to include training duty, or is called forth
29 by the Governor pursuant to the provisions of § 44-75.1 or 44-78.1.

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

35 For the purposes of this section, with respect to employees of the Commonwealth or its political
36 subdivisions who do not normally work approximately equal workdays on five or more days of each calendar
37 week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to
38 work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military
39 leave, or other absences. Where such employee returns from federally funded military duty and the eight-hour
40 rest period required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §
41 4301 et seq.) overlaps such employee's scheduled work shift, the employee shall receive paid military leave
42 to the extent of such overlap.

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

46 **§ 44-204. Leaves of absence for employees of Commonwealth or political subdivisions.**

47 All officers and employees of the Commonwealth, or of any political subdivision of the Commonwealth
48 who are members of the Virginia Defense Force or National Defense Executive Reserve shall be entitled to
49 leaves of absence from their respective duties without loss of pay, seniority, accrued leave, or efficiency
50 rating on all days during which they shall be engaged in training approved by the Governor or his designee,
51 not to exceed 21 workdays per federal fiscal year unless such officer or employee is a professional firefighter.
52 Any officer or employee of the Commonwealth or of any political subdivision of the Commonwealth who is
53 a professional firefighter or a law-enforcement officer as defined in § 9.1-101 and a member of the Virginia
54 Defense Force or National Defense Executive Reserve shall receive paid leaves of absence for all work hours
55 that a leave of absence is required, regardless of whether such amount of work hours exceeds 21 workdays
56 per federal fiscal year but shall not exceed a total of 388 work hours, during which such officer or employee
57 who is a professional firefighter or a law-enforcement officer as defined in § 9.1-101 shall be engaged in
58 training approved by the Governor or his designee. When relieved from any such duty, officers and

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59 employees described in this section shall be restored to positions held by them when ordered to duty.