

Date of Hearing: April 24, 2012

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Paul J. Cook, Chair

AB 1936 (Knight) – As Amended: April 10, 2012

SUBJECT: State employment: military service: inactive duty

SUMMARY: This bill: adds periods of inactive duty for training to the types of duty for which it is permissible for state employees to take military leave.

EXISTING LAW

An employee who is granted a short-term military leave of absence for active military duty, but not for inactive duty, including, but not limited to, scheduled reserve drill periods, and who for a period of not less than one year immediately prior to the effective date of active duty has had continuous state service as defined by Department of Personnel Administration rule that is not broken by a permanent separation, or who has had continuous state service immediately prior to the effective date of active duty not broken by a permanent separation and sufficient recognized military service that need not be contiguous to equal one year shall be entitled to receive his or her salary or compensation for the first 30 calendar days of active duty served during the absence.

FISCAL EFFECT: Unknown at this time.

COMMENTS: This bill will be largely, if not entirely, applicable to reservists and others whose military service is "part time." The bill applies only to state employees.

In most instances, short term training and reserve drill periods are scheduled and completed from Friday evening through Sunday evening, for most employees, "the weekend." For longer periods of duty short of full mobilization, such as the typical reserve two-week "annual training," the servicemember is placed "on orders," shifting the member's status to active duty for that period. Therefore in most cases the servicemember either accomplishes training on days when not scheduled to work at his or her state employment, thus needing to take no leave, or the employee is eligible for military leave as a result of active duty status.

This bill addresses the situation where an employee either has an atypical work schedule which conflicts with the usual Friday-Sunday drill/training period or where the servicemember must perform some kind of short-term military duty during his or her normal working hours. The bill would allow servicemembers to use military leave to accomplish such duties during their working hours and still be compensated by their state employer. The bill does not expand the total number of military leave days (30) available to state employee servicemembers.

Related Legislation:

SB 1950 (Lewis, 2000) was intended to extend paid leave for inactive duty training but the change to the Government Code was omitted from the chaptered version.

SB 569 (Morrow, 2001) died in the Assembly Appropriations Committee and would have made substantially the same changes as this bill. The analysis from the Veterans Affairs Committee at that time states, "as enacted by SB 2950, was intended to provide state and local public employees who are on inactive military duty with paid leave. However, due to a drafting error in SB 1950, the bill amended the Military and Veterans Code but omitted the Government Code reference which pertains to state employees. Therefore, the intent of SB 1950 was not fully enacted."

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion- Department of California
AMVETS- Department of California
California Association of County Veteran Service Officers
California State Commanders Veterans Council
Vietnam Veterans of America- California State Council
California Correctional Peace Officers Association

Opposition

None on file.

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