

SENATE BILL NO. 2198

Introduced by

Senators Boschee, Cleary, Meyer

Representatives Pyle, Satrom, Schneider

1 A BILL for an Act to amend and reenact section 37-01-25 of the North Dakota Century Code,
2 relating to national guard or federal service leave of absence for state and political subdivision
3 employees.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 37-01-25 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **37-01-25. Officers and employees of state or political subdivisions in national guard**
8 **or federal service to retain status for period of active service or any military duty.**

9 ~~All officers and employees of this state or of a political subdivision of this state who:~~

10 1. ~~Are members~~ For purposes of this section, "officer or employee" means:

11 a. A member of the national guard;

12 2. ~~Are members~~ A member of the armed forces reserve of the United States of
13 America;

14 3. ~~Shall be~~ An individual subject to call in the federal service by the president of the
15 United States; or

16 4. ~~Shall volunteer~~ An individual who volunteers for such federal service;.

17 2. An officer or employee of the state or a political subdivision, when ordered by proper
18 authority to active noncivilian employment for any military duty, are entitled to a leave
19 of absence from ~~such~~ the civil service for the period of ~~such~~ the active service or
20 military duty including traveling to and from a duty station without loss of status or
21 efficiency rating.

22 3. ~~If such persons have~~ the individual has been in the ~~continuous~~ employ of the state or
23 political subdivision ~~for ninety days~~ immediately preceding the leave of absence, they

1 ~~shall receive~~the individual is entitled to twenty workdays each calendar year without
2 loss of pay. ~~In addition, any~~

3 4. A leave of absence necessitated by a full or partial mobilization of the reserve and
4 national guard forces of the United States of America, or emergency state active duty,
5 must be without loss of pay for the first thirty days ~~thereof~~ of the absence less any
6 other paid leave of absence which may have been granted during the calendar year
7 ~~pursuant to~~ in accordance with this section.

8 5. If leave is required for any military duty or travel to and from a duty station on a day in
9 which a public officer or employee is scheduled to perform the work of the state or of a
10 political subdivision, the officer or employee must be given the option of time:

11 a. Time off with a concurrent loss of pay for the period missed, ~~the use~~;

12 b. Use of leave of absence without loss of pay for the period missed; ~~or an~~
13 opportunity

14 c. Opportunity to reschedule the workperiod so the reserve or national guard
15 military duty or travel to and from a duty station occurs during time off from work
16 without loss of status or efficiency rating.