

SENATE FILE NO. SF0004

Military service member protections.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to the military department; amending the
2 purpose section of the Military Service Relief Act to
3 specify its application to uniformed services of all
4 states; amending definitions accordingly; amending military
5 leave of absence provisions to specify application to
6 members of national guards in other states; and providing
7 for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 19-11-102(a), 19-11-103(a)(ix) and
12 (xi), 19-11-105(e)(iv)(intro) and 19-11-108(a), (b) and (e)
13 are amended to read:

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15 **19-11-102. Purpose.**

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2 (a) In order to provide for, strengthen and expedite
3 the national security under conditions which threaten the
4 peace and security of the United States and to enable those
5 citizens of this state who perform service in the uniformed
6 services to more successfully devote their entire energy to
7 the needs of the nation and state, provision is hereby made
8 to provide reemployment rights and other benefits for
9 persons who perform service in the uniformed services. ~~of~~
10 ~~the United States.~~ It is herein declared to be the policy
11 of the state of Wyoming that its citizens who serve ~~their~~
12 ~~country and state~~ in the uniformed services and who leave
13 their employment, homes and education shall not be
14 penalized nor economically disadvantaged because of such
15 service.

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17 **19-11-103. Definitions.**

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19 (a) As used in this article, unless the context
20 clearly requires otherwise:

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22 (ix) "Service in the uniformed services" means
23 the performance of duty on a voluntary or involuntary basis

1 in a uniformed service under competent authority and
2 includes active duty, active duty for training, initial
3 active duty for training, inactive duty training, full-time
4 national guard duty, a period for which a person is absent
5 from a position of employment for the purpose of an
6 examination to determine the fitness of the person to
7 perform any such duty and active state service by members
8 of the national guard of any state who are activated
9 pursuant to a call of ~~the~~a governor as provided for by
10 law;

11

12 (xi) "Uniformed services" means the armed
13 forces, the army national guard and the air national guard
14 of any state, the commissioned corps of the public health
15 service and any other category of persons designated by the
16 president in time of war or emergency;

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18 **19-11-105. Awarding of costs and fees.**

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20 (e) For purposes of this section:

21

22 (iv) "Prevailing party" means any current or
23 former member of the ~~Wyoming national guard~~ uniformed

1 services in any proceeding to which subsection (a) of this
2 section applies who establishes that the position of the
3 employer or former employer in the proceeding was not
4 substantially justified, and:

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6 **19-11-108. Leave of absence for state, city or county**
7 **officers and employees; training programs.**

8

9 (a) Any member of the ~~Wyoming~~-national guard of any
10 state or United States military forces reserve who is an
11 officer or employee of this state or any political
12 subdivision, municipal corporation or any public agency or
13 entity of the state, including community colleges, shall
14 be given a military leave of absence with pay at the
15 regular salary or wage which the employee normally
16 receives, not to exceed fifteen (15) calendar days in any
17 one (1) calendar year to perform service in the uniformed
18 services in addition to any other leave or vacation time to
19 which the person is otherwise entitled.

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21 (b) Subject to the conditions prescribed in
22 paragraphs (c)(i) through (v) of this section, any officer
23 or employee of the state or any political subdivision,

1 municipal corporation or public agency of the state who has
2 been employed for one (1) year and who is a member of the
3 national guard of any state or any other component of the
4 military forces of ~~the~~a state, a member of the reserve
5 forces of the United States or who is inducted into the
6 military service of the United States, is entitled to leave
7 of absence from his public office or employment without pay
8 but without loss of seniority, status, efficiency rating,
9 vacation, sick leave or other benefits while he is engaged
10 in active military training or service ordered or
11 authorized by proper authority pursuant to law exceeding
12 fifteen (15) days in any calendar year. Such leave is in
13 addition to any other military leave or vacation time to
14 which the officer or employee may be entitled by law if the
15 required military service is satisfactorily performed,
16 which is presumed unless the contrary is established.

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18 (e) This section shall be liberally construed in
19 favor of the member of the ~~Wyoming~~-national guard of any
20 state or United States military forces who is an officer or
21 employee of this state or any political subdivision,
22 municipal corporation or any public agency of ~~the~~this
23 state.

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Section 2. This act is effective July 1, 2016.

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(END)