

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 118
HOUSE BILL 2421

AN ACT

AMENDING SECTION 26-168, ARIZONA REVISED STATUTES; RELATING TO THE
NATIONAL GUARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 26-168, Arizona Revised Statutes, is amended to
3 read:

4 26-168. Absence from employment for military duty; vacation
5 and seniority rights; violation; classification

6 A. An employer shall not refuse to ~~permit~~ ALLOW members of the
7 national guard OF THIS STATE OR ANY OTHER STATE or the United States armed
8 forces reserves to take leaves of absence from employment for the purpose
9 of complying with competent orders of ~~the~~ THIS state, THE OTHER STATE or
10 THE United States for active duty, ~~or~~ to attend camps, maneuvers,
11 formations or armory drills. The leaves of absence shall not affect
12 vacation rights that employees otherwise have, except that an employer
13 need not consider the period of absence as a period of work in determining
14 eligibility for vacation and the amount of vacation pay to which the
15 employee is entitled.

16 B. A member of the national guard OF THIS STATE OR ANY OTHER STATE
17 or the United States armed forces reserves shall not lose seniority or
18 precedence while absent under competent military orders. On return to
19 employment, the employee shall be returned to the employee's previous
20 position, ~~or~~ to a higher position commensurate with the employee's
21 ability and experience as seniority or precedence would ordinarily entitle
22 the employee.

23 C. An officer or employee of this state, or any department or
24 political subdivision of this state, who is a member of the national guard
25 OF THIS STATE OR ANY OTHER STATE or the United States armed forces
26 reserves ~~shall be~~ IS entitled to leave of absence pursuant to section
27 38-610 from the individual's duties without loss of time or efficiency
28 rating on all days during which the individual is engaged in field
29 training as provided by this chapter, and for a period during leave of
30 absence not to exceed thirty days in any two consecutive years the
31 individual is entitled to pay. For THE purposes of this section, an
32 officer or employee shall not be charged military leave for days on which
33 the individual was not otherwise scheduled for work.

34 D. When ordered ~~by the governor~~ to perform ~~training or~~ ACTIVE duty
35 ~~under this section or section 26-171, subsection C, section 26-172 or~~
36 ~~section 26-175~~ OR TRAINING BY THE COMPETENT ORDERS OF ANY STATE OR THE
37 UNITED STATES, members of the ~~Arizona~~ national guard OR UNITED STATES
38 ARMED FORCES RESERVES shall have the protections afforded to persons ~~on~~
39 UNDER federal active duty by the soldiers and sailors civil relief act of
40 1940 (54 Stat. 1178; 50 United States Code App. sections 501 through 548
41 and 560 through 591) and by the uniformed services employment and
42 reemployment rights act of 1994 (108 Stat. 3149; 38 United States Code
43 sections 4301 through 4333).

44 E. A person ~~violating any provision of~~ THAT VIOLATES subsection A
45 or B of this section is guilty of a class 1 misdemeanor. The county
46 attorney shall prosecute violations of this section in superior court.

APPROVED BY THE GOVERNOR APRIL 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018.