

REFERENCE TITLE: leaves of absence; military training

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2771

Introduced by
Representative Peña

AN ACT

AMENDING SECTIONS 26-168 AND 38-610, ARIZONA REVISED STATUTES; RELATING TO
MILITARY AFFAIRS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

A. An employer may not refuse to allow members of the national guard of this state or any other state or the United States armed forces reserves to take leaves of absence from employment for the purpose of complying with competent orders of this state, the other state or the United States for active duty or ~~to attend camps, maneuvers, formations or armory drills~~ TRAINING. The leaves of absence may not affect vacation rights that employees otherwise have, except that an employer need not consider the period of absence as a period of work in determining eligibility for vacation and the amount of vacation pay to which the employee is entitled.

B. A member of the national guard of this state or any other state or the United States armed forces reserves may not lose seniority or precedence while absent under competent military orders. On return to employment, the employee shall be returned to the employee's previous position or to a higher position commensurate with the employee's ability and experience as seniority or precedence would ordinarily entitle the employee.

C. An officer or employee of this state, or any department or political subdivision of this state, who is a member of the national guard of this state or any other state or the United States armed forces reserves is entitled to leave of absence pursuant to section 38-610 from the individual's duties without loss of time or efficiency rating on all days during which the individual is ~~engaged in field training as provided by this chapter~~ UNDER COMPETENT MILITARY ORDERS. For the period of the leave of absence, the individual is entitled to pay as prescribed in section 38-610, subsection C, paragraph 3. For the purposes of this subsection, an officer or employee may not be charged military leave for days on which the individual was not otherwise scheduled for work.

D. When ordered to perform active duty or training by the competent orders of any state or the United States, members of the national guard or United States armed forces reserves have the protections afforded to persons under federal active duty by the soldiers and sailors civil relief act of 1940 (54 Stat. 1178; 50 United States Code App. sections 501 through 548 and 560 through 591) and by the uniformed services employment and reemployment rights act of 1994 (108 Stat. 3149; 38 United States Code sections 4301 through 4333).

E. A person that violates subsection A or B of this section is guilty of a class 1 misdemeanor. The county attorney shall prosecute violations of this section in superior court.

1 F. For the purposes of this section, "day" means a shift of work.
2 Sec. 2. Section 38-610, Arizona Revised Statutes, is amended to
3 read:

4 38-610. Leaves of absence for certain military and disaster
5 duty; definitions

6 A. The officers and employees of this state, any county, city or
7 town or any agency or political subdivision of this state or a county,
8 city or town shall be granted leaves of absence from their duties without
9 loss of time, pay or efficiency rating:

10 1. On all days during which they are ~~employed on training duty or~~
11 ~~to attend camps, maneuvers, formations or drills under orders with any~~
12 ~~branch or reserve of the armed forces of the United States~~ COMPLYING WITH
13 COMPETENT ORDERS OF THE NATIONAL GUARD OF THIS STATE OR ANY OTHER STATE OR
14 THE UNITED STATES ARMED FORCES RESERVES FOR ACTIVE DUTY OR TRAINING for
15 the period prescribed in subsection C, paragraph 3 of this section.

16 2. On all days during which they are employed on ~~training~~ duty by
17 the national disaster medical system under the United States department of
18 health and human services.

19 B. The officers and employees of this state, any county, city or
20 town or any agency or political subdivision of this state or a county,
21 city or town shall be granted leaves of absence from their duties on all
22 days during which they are employed on ~~training~~ duty or ~~to attend camps,~~
23 ~~maneuvers, formations or drills~~ under orders with any auxiliary of the
24 armed forces of the United States. The state, any county, city or town or
25 any agency or political subdivision of this state or a county, city or
26 town may grant the leave of absence without loss of time, pay or
27 efficiency rating as prescribed in subsection C, paragraph 3 of this
28 section.

29 C. For the purposes of subsection A, paragraph 1 and subsection B
30 of this section, the following apply:

31 1. An officer or employee may not be charged military leave for
32 days on which the individual was not otherwise scheduled for work.

33 2. The period of time spent ~~in training~~ under orders may not be
34 deducted from the vacation period with pay to which the officer or
35 employee is otherwise entitled.

36 3. The military leave period is based on the average total of
37 regularly scheduled hours in a weekly work period. An officer or employee
38 of this state or a political subdivision of this state is entitled to up
39 to three times the average of regularly scheduled work hours in a weekly
40 work period each year and up to six times the average of regularly
41 scheduled work hours in a weekly work period in any two consecutive years.

42 D. For the purposes of this section:

43 1. "Day" means a shift of work.

44 2. "Year" means the fiscal year of the United States government.