

SENATE BILL No. 126

February 1, 2005, Introduced by Senators JELINEK, BROWN, GARCIA, KUIPERS, GOSCHKA, BASHAM, HARDIMAN, ALLEN and SANBORN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1955 PA 133, entitled

"An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States,"

(MCL 32.271 to 32.274) by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3A. (1) A LOCAL UNIT OF GOVERNMENT MAY PROVIDE BY
2 ORDINANCE OR RESOLUTION OR THROUGH PERSONNEL POLICY A DIFFERENTIAL
3 PAY PROGRAM OR FOR A SPECIFIC NUMBER OF PAID DAYS OF LEAVE FOR
4 EMPLOYEES OF THE LOCAL UNIT OF GOVERNMENT WHO REQUEST OR ARE
5 REQUIRED TO TAKE A LEAVE OF ABSENCE TO ENTER INTO ACTIVE MILITARY
6 SERVICE.

7 (2) AS USED IN THIS SECTION:

8 (A) "ACTIVE MILITARY SERVICE" MEANS ANY OF THE FOLLOWING:

1 (i) ACTIVE SERVICE IN THE MICHIGAN NATIONAL GUARD OR MICHIGAN
2 DEFENSE FORCE AS AN OFFICER OR ENLISTED MAN, OR BOTH.

3 (ii) FEDERAL SERVICE IN RESPONSE TO A CALL OR ORDER OF THE
4 PRESIDENT IN TIME OF DECLARED NATIONAL EMERGENCY WHEN SUCH SERVICE
5 IS NOT VOLUNTARY.

6 (iii) VOLUNTARY ACTIVE DUTY IN THE SERVICE OF THE UNITED STATES
7 BY MEMBERS OF THE STATE MILITARY ESTABLISHMENT, NOT IN RESPONSE TO
8 A CALL OR ORDER OF THE PRESIDENT IN TIME OF DECLARED NATIONAL
9 EMERGENCY, SHALL BE CONSIDERED AS ACTIVE SERVICE ONLY WHEN SUCH
10 DUTY IS IN SUPPORT OF A NATIONAL GUARD MISSION. ANY FRACTIONAL PART
11 OF A YEAR AMOUNTING TO 6 MONTHS OR MORE IS COUNTED AS A COMPLETE
12 YEAR. ACTIVE SERVICE IS TERMINATED BY AN HONORABLE SEPARATION FROM
13 THE MICHIGAN NATIONAL GUARD OR DEFENSE FORCE.

14 (B) "DIFFERENTIAL PAY PROGRAM" MEANS A PROGRAM THROUGH WHICH
15 THE LOCAL UNIT OF GOVERNMENT AGREES TO PAY DURING THE LEAVE OF
16 ABSENCE ALL OR A PART OF THE DIFFERENCE BETWEEN THE AMOUNT THE
17 EMPLOYEE IS PAID BY THE LOCAL UNIT OF GOVERNMENT AND THE AMOUNT THE
18 EMPLOYEE RECEIVES THROUGH HIS OR HER MILITARY SERVICE.

19 (C) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE,
20 TOWNSHIP, OR COUNTY.