

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 433

Representatives Ujvagi, Grossman

**Cosponsors: Representatives Fende, Yuko, Letson, Skindell, Brown,
Derickson, Lundy, Lehner, Hagan, Pillich, Stewart, Bolon**

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A B I L L

To amend section 5923.05 of the Revised Code to 1
provide publicly employed fire fighters and 2
emergency medical technicians with a minimum paid 3
military leave of seventeen 24-hour days. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5923.05 of the Revised Code be 5
amended to read as follows: 6

Sec. 5923.05. (A)(1) Permanent public employees who are 7
members of the Ohio organized militia or members of other reserve 8
components of the armed forces of the United States, including the 9
Ohio national guard, are entitled to a leave of absence from their 10
respective positions without loss of pay for the time they are 11
performing service in the uniformed services, for periods of up to 12
one month, for each calendar year in which they are performing 13
service in the uniformed services. 14

(2) As used in this section: 15

(a) "Calendar year" means the year beginning on the first day 16
of January and ending on the last day of December. 17

(b) "Month" means twenty-two eight-hour work days or one hundred seventy-six hours, or for a public safety employee, seventeen twenty-four-hour days or four hundred eight hours, within one calendar year.

(c) "Permanent public employee" means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

(d) "State agency" means any department, bureau, board, commission, office, or other organized body established by the constitution or laws of this state for the exercise of any function of state government, the general assembly, all legislative agencies, the supreme court, the court of claims, and the state-supported institutions of higher education.

(e) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(f) "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the

commissioned corps of the public health service, and any other 50
category of persons designated by the president of the United 51
States in time of war or emergency. 52

(g) "Public safety employee" means a permanent public 53
employee who is employed as a fire fighter or emergency medical 54
technician. 55

(B) Except as otherwise provided in division (D) of this 56
section, any permanent public employee who is employed by a 57
political subdivision, who is entitled to the leave provided under 58
division (A) of this section, and who is called or ordered to the 59
uniformed services for longer than a month, for each calendar year 60
in which the employee performed service in the uniformed services, 61
because of an executive order issued by the president of the 62
United States, because of an act of congress, or because of an 63
order to perform duty issued by the governor pursuant to section 64
5919.29 of the Revised Code is entitled, during the period 65
designated in the order or act, to a leave of absence and to be 66
paid, during each monthly pay period of that leave of absence, the 67
lesser of the following: 68

(1) The difference between the permanent public employee's 69
gross monthly wage or salary as a permanent public employee and 70
the sum of the permanent public employee's gross uniformed pay and 71
allowances received that month; 72

(2) Five hundred dollars. 73

(C) Except as otherwise provided in division (D) of this 74
section, any permanent public employee who is employed by a state 75
agency, who is entitled to the leave provided under division (A) 76
of this section, and who is called or ordered to the uniformed 77
services for longer than a month, for each calendar year in which 78
the employee performed service in the uniformed services, because 79
of an executive order issued by the president of the United 80

States, because of an act of congress, or because of an order to 81
perform duty issued by the governor pursuant to section 5919.29 or 82
5923.21 of the Revised Code is entitled, during the period 83
designated in the order or act, to a leave of absence and to be 84
paid, during each monthly pay period of that leave of absence, the 85
difference between the permanent public employee's gross monthly 86
wage or salary as a permanent public employee and the sum of the 87
permanent public employee's gross uniformed pay and allowances 88
received that month. 89

(D) No permanent public employee shall receive payments under 90
division (B) or (C) of this section if the sum of the permanent 91
public employee's gross uniformed pay and allowances received in a 92
pay period exceeds the employee's gross wage or salary as a 93
permanent public employee for that period or if the permanent 94
public employee is receiving pay under division (A) of this 95
section. 96

(E) Any political subdivision of the state, as defined in 97
section 2744.01 of the Revised Code, may elect to pay any of its 98
permanent public employees who are entitled to the leave provided 99
under division (A) of this section and who are called or ordered 100
to the uniformed services for longer than one month, for each 101
calendar year in which the employee performed service in the 102
uniformed services, because of an executive order issued by the 103
president or an act of congress, such payments, in addition to 104
those payments required by division (B) of this section, as may be 105
authorized by the legislative authority of the political 106
subdivision. 107

(F) Each permanent public employee who is entitled to leave 108
provided under division (A) of this section shall submit to the 109
permanent public employee's appointing authority the published 110
order authorizing the call or order to the uniformed services or a 111
written statement from the appropriate military commander 112

authorizing that service, prior to being credited with that leave. 113

(G) Any permanent public employee of a political subdivision 114
whose employment is governed by a collective bargaining agreement 115
with provision for the performance of service in the uniformed 116
services shall abide by the terms of that collective bargaining 117
agreement with respect to the performance of that service, except 118
that no collective bargaining agreement may afford fewer rights 119
and benefits than are conferred under this section. 120

Section 2. That existing section 5923.05 of the Revised Code 121
is hereby repealed. 122