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# Tennessee Reservists' Leave of Absence (2007)

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MTAS
Municipal Technical Advisory Service
*In cooperation with the Tennessee Municipal League*

#145
HOT topic

June 27, 2007

# TENNESSEE RESERVISTS' LEAVE OF ABSENCE

**Bonnie Curran, Human Resource Consultant**

Effective July 1, 2007, Public Chapter No. 360 (H.B. 2243/S.B. 2187) amends T.C.A. § 8-33-109 by increasing from 15 to 20 the number of paid days for public employee military reservists. During the 20-day period the employee continues to earn regular pay, service credit, and applicable annual and sick leave accruals. All other rights and benefits to which the employee is otherwise entitled continue.

This Tennessee Military Leave Law is an additional benefit of the job protection granted to all employees engaged in military service. Under federal and state laws, all employees who are members of any reserve component of the armed forces of the United States or of the Tennessee National Guard are entitled to a leave of absence from their duties for all periods of military service during which they are engaged in the performance of duty or training. The duty or training must be in the service of the state or the United States under competent orders as stipulated in 38 U.S.C. §§ 4311-4318, T.C.A. §§ 8-33-101–8-33-109, and T.C.A. § 58-1-106.

An employee or applicant for employment who performs, applies to perform, or has an obligation to serve in a uniformed service shall not, on that basis, be denied employment or reemployment or be discriminated or retaliated against for such service or application for service in any manner.

## "MILITARY DUTY" MEANS:

- Training and service performed by an inductee, enlistee, or reservist or any entrant into a temporary component of the armed forces of the United States;
- Time spent reporting for and returning from such training and service, or if a rejection occurs, from the place of reporting for such training and service; and
- Active duty training as a reservist in the armed forces of the United States or as a member of the National Guard when the call is for training only.

The 2007 state amendment provides that during such leave, the employee shall be paid for 20 working days each calendar year. The military leave cannot be affected by date of

employment or length of service and shall have no effect on other leave time to which the employee may be entitled under your city's policies or other laws. After the 20 working days of full compensation have been exhausted, public employers may provide additional compensation to their employees who continue to serve under competent orders.

You can read the full text of the amendment at http://tennessee.gov/sos/acts/105/pub/pc0360.pdf.

For additional information on the Uniformed Services Employment and Re-employment Rights Act (USERRA) you may refer to the 2001 MTAS Hot Topic "Uniformed Services Employment and Re-employment Rights Act" at www.mtas.tennessee.edu, or contact your MTAS human resource consultant.

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