



6-27-2007

## Hot Topic: Tennessee Reservists' Leave of Absence (2007)

Bonnie Jones

University of Tennessee, Knoxville, [bonnie.jones@tennessee.edu](mailto:bonnie.jones@tennessee.edu)

Follow this and additional works at: [https://trace.tennessee.edu/utk\\_mtastop](https://trace.tennessee.edu/utk_mtastop)



Part of the [Public Administration Commons](#)

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: [mtas.tennessee.edu](https://mtas.tennessee.edu).

---

### Recommended Citation

Jones, Bonnie, "Hot Topic: Tennessee Reservists' Leave of Absence (2007)" (2007). *MTAS Publications: Hot Topics*.

[https://trace.tennessee.edu/utk\\_mtastop/87](https://trace.tennessee.edu/utk_mtastop/87)

This Bulletin is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Hot Topics by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact [trace@utk.edu](mailto:trace@utk.edu).



# 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

**June 27, 2007**

**TENNESSEE RESERVISTS' LEAVE OF ABSENCE**

**Bonnie Curran, Human Resource Consultant**

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.

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](http://www.mtas.tennessee.edu), or contact your MTAS human resource consultant.

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

---

**MTAS OFFICES**

Knoxville (Headquarters) . . . (865) 974-0411	Jackson . . . . . (731) 423-3710
Johnson City . . . . . (423) 854-9882	Nashville . . . . . (615) 532-6827
(423) 282-0416	Martin . . . . . (731) 881-7057

The Municipal Technical Advisory Service (MTAS) is a statewide agency of the University of Tennessee Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League to provide technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and water and wastewater management.

MTAS Hot Topics are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. Hot Topics are free to Tennessee local, state, and federal government officials and are available to others for \$2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.

[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution.  
MTAS1141 • E14-1050-000-063-07