

CHAPTER 82

(HB 291)

AN ACT relating to the National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

→Section 1. KRS 38.238 is amended to read as follows:

An employee shall be granted a leave of absence by his *or her* employer for the period required to perform active duty or training in the National Guard *of this or any other state*. Upon the employee's release from a period of active duty or training, *the employee*~~he~~ shall be permitted to return to his *or her* former position of employment with the seniority, status, pay or any other rights or benefits he *or she* would have had if he *or she* had not been absent, except that no employer shall be required to grant an employee a leave of absence with pay.

→Section 2. KRS 38.460 is amended to read as follows:

- (1) No person shall, either *as an individual*~~by himself~~ or with another, willfully deprive a member of the ~~Kentucky~~ National Guard or Kentucky active militia of ~~his~~ employment, or prevent *the member*~~his~~ being employed, or in any way obstruct a member of the ~~Kentucky~~ National Guard or Kentucky active militia in the conduct of ~~his~~ trade, business, or profession, or by threats of violence prevent any person from enlisting in the ~~Kentucky~~ National Guard or Kentucky active militia. ***References to the National Guard in this statute include members of the National Guard of this or any other state.***
- (2) No association or corporation constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof shall by any constitution, rule, bylaw, resolution, vote, or regulation discriminate against any member of the ~~Kentucky~~ National Guard or Kentucky active militia because of ~~his~~ membership, eligibility for membership, or right to retain membership in such organization.

→Section 3. KRS 61.394 is amended to read as follows:

All officers and employees of this state, or of any department or agency thereof who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of ~~a~~*this* state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

Signed by Governor April 2, 2018.