

1 AN ACT relating to the National Guard.

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

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

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

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

12 (1) No person shall, either as an individual~~by himself~~ or with another, willfully  
13 deprive a member of the ~~Kentucky~~ National Guard or Kentucky active militia of ~~his~~  
14 ~~his~~ employment, or prevent the member~~his~~ being employed, or in any way  
15 obstruct a member of the ~~Kentucky~~ National Guard or Kentucky active militia in  
16 the conduct of ~~his~~ trade, business, or profession, or by threats of violence prevent  
17 any person from enlisting in the ~~Kentucky~~ National Guard or Kentucky active  
18 militia. References to the National Guard in this statute include members of the  
19 National Guard of this or any other state.

20 (2) No association or corporation constituted or organized for the purpose of promoting  
21 the success of the trade, employment, or business of the members thereof shall by  
22 any constitution, rule, bylaw, resolution, vote, or regulation discriminate against any  
23 member of the ~~Kentucky~~ National Guard or Kentucky active militia because of ~~his~~  
24 ~~his~~ membership, eligibility for membership, or right to retain membership in such  
25 organization.

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

27 All officers and employees of this state, or of any department or agency thereof who are

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