

House Bill 1236

By: Representatives Williams of the 5th, Birdsong of the 123rd, Hammontree of the 4th,
Johnson of the 35th, Manning of the 32nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 38-2-279 of the Official Code of Georgia Annotated, relating to
2 rights of public officers and employees absent on military duty as members of the organized
3 militia or reserve forces, so as to change certain provisions relating to pay for 18 days and
4 emergency pay; to authorize counties, municipalities, and other political subdivisions to
5 provide pay for its public officers and employees during extended periods of service; to
6 provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 38-2-279 of the Official Code of Georgia Annotated, relating to rights of public
10 officers and employees absent on military duty as members of the organized militia or
11 reserve forces, is amended by striking subsection (e) and inserting in lieu thereof the
12 following:

13 *"(e) Pay for 18 days; emergency pay; additional authorized payments.*

14 (1) ~~Except as provided in paragraph (2) of this subsection, every~~ Every public officer or
15 employee shall be paid his or her salary or other compensation as such public officer or
16 employee for any and all periods of absence while engaged in the performance of ordered
17 military duty and while going to and returning from such duty, not exceeding a total of
18 18 days in any one federal fiscal year and not exceeding 18 days in any one continuous
19 period of absence. In the event the Governor declares an emergency and orders any
20 public officer or employee to state active duty as a member of the National Guard, any
21 such officer or employee, while performing such duty, shall be paid his or her salary or
22 other compensation as a public officer or employee for a period not exceeding 30 days
23 in any one federal fiscal year and not exceeding 30 days in any one continuous period of
24 such state active duty service.

25 (2) ~~If such periods of absence exceed a total of 18 days or, in the event the Governor~~
26 ~~declares an emergency, 30 days for the calendar year 1997 but does not exceed such~~

1 ~~limits for the federal fiscal year beginning October 1, 1997, and ending September 30,~~
2 ~~1998, every public officer or employee shall be paid his or her salary or other~~
3 ~~compensation as such public officer or employee as if the absence was 18 or 30 days or~~
4 ~~less, as the case may be, as specified in paragraph (1) of this subsection. Any county,~~
5 ~~municipality, or other political subdivision of this state may provide for payment of the~~
6 ~~salaries or other compensation of its public officers and employees while engaged in the~~
7 ~~performance of ordered military duty and while going to and returning from such duty~~
8 ~~or, in the event the Governor declares an emergency, while ordered to state active duty~~
9 ~~as a member of the National Guard, for any period exceeding those specified in~~
10 ~~paragraph (1) of this subsection; and the duration of payments under this paragraph, if~~
11 ~~any, shall be in the discretion of the county, municipality, or other political subdivision."~~

12 **SECTION 2.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.

15 **SECTION 3.**

16 All laws and parts of laws in conflict with this Act are repealed.