

ORIGINAL SENATE  
FILE NO. SF0004

ENROLLED ACT NO. 24, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2016 BUDGET SESSION

AN ACT relating to the military department; amending the purpose section of the Military Service Relief Act to specify its application to uniformed services of all states; amending definitions accordingly; amending military leave of absence provisions to specify application to members of national guards in other states; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 19-11-102(a), 19-11-103(a)(ix) and (xi), 19-11-105(e)(iv)(intro) and 19-11-108(a), (b) and (e) are amended to read:

**19-11-102. Purpose.**

(a) In order to provide for, strengthen and expedite the national security under conditions which threaten the peace and security of the United States and to enable those citizens of this state who perform service in the uniformed services to more successfully devote their entire energy to the needs of the nation and state, provision is hereby made to provide reemployment rights and other benefits for persons who perform service in the uniformed services. ~~of the United States.~~ It is herein declared to be the policy of the state of Wyoming that its citizens who serve ~~their country and state~~ in the uniformed services and who leave their employment, homes and education shall not be penalized nor economically disadvantaged because of such service.

**19-11-103. Definitions.**

(a) As used in this article, unless the context clearly requires otherwise:

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(ix) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty and active state service by members of the national guard of any state who are activated pursuant to a call of ~~the~~a governor as provided for by law;

(xi) "Uniformed services" means the armed forces, the army national guard and the air national guard of any state, the commissioned corps of the public health service and any other category of persons designated by the president in time of war or emergency;

**19-11-105. Awarding of costs and fees.**

(e) For purposes of this section:

(iv) "Prevailing party" means any current or former member of the ~~Wyoming national guard~~ uniformed services in any proceeding to which subsection (a) of this section applies who establishes that the position of the employer or former employer in the proceeding was not substantially justified, and:

**19-11-108. Leave of absence for state, city or county officers and employees; training programs.**

(a) Any member of the ~~Wyoming national guard~~ of any state or United States military forces reserve who is an

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officer or employee of this state or any political subdivision, municipal corporation or any public agency or entity of the state, including community colleges, shall be given a military leave of absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar year to perform service in the uniformed services in addition to any other leave or vacation time to which the person is otherwise entitled.

(b) Subject to the conditions prescribed in paragraphs (c)(i) through (v) of this section, any officer or employee of the state or any political subdivision, municipal corporation or public agency of the state who has been employed for one (1) year and who is a member of the national guard of any state or any other component of the military forces of ~~the~~a state, a member of the reserve forces of the United States or who is inducted into the military service of the United States, is entitled to leave of absence from his public office or employment without pay but without loss of seniority, status, efficiency rating, vacation, sick leave or other benefits while he is engaged in active military training or service ordered or authorized by proper authority pursuant to law exceeding fifteen (15) days in any calendar year. Such leave is in addition to any other military leave or vacation time to which the officer or employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.

(e) This section shall be liberally construed in favor of the member of the ~~Wyoming~~ national guard of any state or United States military forces who is an officer or employee of this state or any political subdivision,

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municipal corporation or any public agency of ~~the~~this state.

**Section 2.** This act is effective July 1, 2016.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk