



**S.B. 173**

124th General Assembly  
(As Introduced)

**Sens. Mumper, Robert Gardner, Randy Gardner, Harris**

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**BILL SUMMARY**

- Removes the \$500 monthly limit on the compensation that must be paid by public employers to certain public officers or employees called to active military duty by an executive order of the President or an act of Congress.
- Provides for the continuation or reactivation of health care benefits for certain state officers or employees so called to active military duty.
- Declares an emergency.

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**CONTENT AND OPERATION**

**Compensation to public employees for military leave**

Under existing law, officers and employees of the state or any political subdivision of the state who are members of the Ohio organized militia or members of other reserve components of the United States armed forces are entitled to a leave of absence without loss of pay for military service for periods of up to one month, for each calendar year in which they are performing military service (sec. 5923.05(A)).<sup>1</sup> In addition, if these officers or employees are called or ordered to duty for longer than a month because of an executive order of the President or an act of Congress, they are entitled to a leave of absence and must be paid, during each monthly pay period of that leave, *the lesser of* (1) the difference between their gross monthly wage or salary as such an officer or employee and the sum of their gross military pay and allowances received that month, or (2) \$500 (sec. 5923.05(B)). Accordingly, \$500 per month is the upper limit on the amount of compensation a public employer must pay an officer or employee on a military

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<sup>1</sup> *The covered "officers" do not include those elected to office.*

leave of absence beyond a month when that officer or employee is called to active duty by a Presidential executive order or act of Congress.

The bill removes the \$500 limit on the entitlement to compensation from a public employer for active duty beyond a month. Therefore, during that period of active duty, the public officer or employee is entitled to the difference between his or her normal monthly public service wage or salary and his or her monthly military pay and allowances even if that amount is more than \$500 a month.<sup>2</sup> (Sec. 5923.05(B).) Under the bill, the entitlement to receive these payments applies retroactively to the later of October 1, 2001, or the date a leave of absence begins after a call to active duty by a Presidential executive order or act of Congress. If a person is called to duty before the bill's effective date, the employing entity must pay, in a lump sum, the amount due before that effective date. (Section 3.)

Also, under existing law and the bill, retirement contributions to the state's five retirement systems will not be required to be made by an officer or employee, or his or her employer, on these payments or other compensation paid by the state or a political subdivision for active military duty in excess of one month in a calendar year (secs. 145.01(R)(2)(g), 742.01(L)(2)(e), 3307.01(L)(2)(j), 3309.01(V)(2)(g), and 5505.01(S)(2)(f)).

### **Continuation of health care benefits**

Under the bill, any state officer or employee who is entitled to a military leave of absence and is called to active duty for a period in excess of one month in any calendar year because of an executive order of the President or an act of Congress is entitled to continue or reactivate the person's coverage by any state-sponsored health care plan for the duration of the time the person is on active duty. The person, the person's spouse, or a dependent of the person may request the continuation or reactivation of health, medical, hospital, dental, vision, and surgical benefits coverage whether those benefits are provided by an insurance company, health insuring corporation, or other health plan or entity. The person, spouse, or dependent and the person's employer are each liable for payment of the same costs for the coverage as if the person were not on the military leave of absence. The bill provides that this entitlement applies notwithstanding any

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<sup>2</sup> Under existing law and the bill, a person may not receive any payment of this type if the sum of the person's gross military pay and allowances received in a month exceeds the person's gross monthly wage or salary as a permanent public employee or if the person is receiving pay for periods of up to one month for each calendar year under section 5923.05(A).

collective bargaining agreement or other agreement or law to the contrary. (Sec. 5923.051.)

**Joint legislative committee to report on section 5923.05**

The bill requires a joint committee to biennially review the provisions of law pertaining to compensation for military leaves of absence. The committee must consist of the standing committees of the House of Representatives and the Senate that normally address veterans affairs matters. Upon completion of each biennial review, the joint committee is required to issue a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report must make recommendations for whatever changes the committee determines are necessary to those provisions of law. (Section 4.)

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**HISTORY**

| ACTION     | DATE     | JOURNAL ENTRY |
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| Introduced | 10-03-01 | p. 936        |

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