

HOUSE No. 2333

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Heroux

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to public employees serving in the armed forces of the commonwealth or the armed forces of the United States.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------|----------------------------------|
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> |

HOUSE No. 2333

By Mr. Heroux of Attleboro, a petition (accompanied by bill, House, No. 2333) of Paul R. Heroux and others relative to the employment status of public employees serving in the armed forces. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to public employees serving in the armed forces of the commonwealth or the armed forces of the United States.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 33 of the General Laws is hereby amended by inserting after section 59A the
2 following section:-

3 Section 59B. (a) An employee in the service of the commonwealth or a county, city, town
4 or regional school district that accepts this section pursuant to subsection (b), shall be entitled to
5 a military leave of absence to attend basic training to become a member of the armed forces of
6 the commonwealth, the army national guard, the air national guard or a reserve component of the
7 armed forces of the United States and shall not lose any seniority or any accrued vacation leave,
8 sick leave, personal leave, compensation time or earned overtime. The commonwealth or a
9 county, city, town or regional school district that accepts this section shall pay an employee who
10 is eligible for leave pursuant to this section the employee’s base salary for each pay period
11 during the leave, reduced by any amount received from the United States as pay or allowance for
12 military service performed during the same pay period, excluding overtime pay, shift differential

13 pay, hazardous duty pay or any other additional compensation. Any absences accrued after the
14 completion of basic training but during a pay period for which an employee is paid pursuant to
15 this section shall be considered vacation, sick, personal or unpaid leave.

16 (b) This section shall take effect in a county, city or town upon its acceptance: in a
17 county, by vote of the county commissioners; in a city or town, as provided in section 4 of
18 chapter 4; and in a regional school district, by vote of the school committee. Nothing in this
19 section shall limit or reduce a person's entitlement to benefits pursuant to section 59 or entitle a
20 person to be released from his work with compensation pursuant to section 59A .

21 (c) Notwithstanding any general or special law to the contrary, state agencies and
22 municipal governments may expend in the current fiscal year associated costs incurred pursuant
23 to this section in prior fiscal years.