

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 619

(Senator Harris, *et al.*)

Education, Health, and Environmental Affairs

Appropriations

Militia - Leaves of Absence for Public Employees

This emergency bill provides that members of the organized militia ordered to active duty with the consent of the Governor are entitled to a leave of absence without the loss of pay, time, or efficiency rating while serving on active duty.

The bill is to be construed retroactively and to affect any member of the organized militia ordered to active duty with the consent of the Governor after September 11, 2001.

Fiscal Summary

State Effect: Potential significant increase in general, special, or federal fund expenditures. No impact on revenues.

Local Effect: Potential increase in expenditures. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Members of the organized militia are entitled to a leave of absence without loss of pay, time, or efficiency rating only if they are ordered to active duty under the authority of the Governor under Article 65 of the Maryland Code.

Background: In response to the terrorist attacks of September 11, 2001, the U. S. government launched a war on terrorism and increased homeland security, particularly at

the nation's airports. To provide the personnel required for this effort, the Secretary of Defense asked for, and received, the approval of the President to call selected National Guard and military reserve units to active duty. For members of the National Guard, a federal government call to active duty is done under Title 32 (National Guard) or Title 10 (Armed Forces) of the U.S. Code, and is generally with consent of the Governor.

According to the Military Department, 137 National Guard personnel (up to 173 during holiday and peak travel periods) were called to active duty under Title 32 (or Title 10) to provide airport security. On October 3, 2001, the Governor issued an executive order calling these same personnel to active duty under Article 65 to supplement airport security.

An additional 153 National Guard personnel, however, were called to active duty under Title 32 (or Title 10), but not under Article 65, to provide security at guard installations. These personnel are not entitled to the unlimited leave of absence without loss of pay, time, or seniority under Article 65.

It is the policy of the State to continue health benefits for National Guard called to active duty under either Title 32, Title 10, or Article 65 and for military reservists called to active duty.

State Expenditures: The Department of Budget and Management (DBM) advises that 124 State employees have been called to active duty as members of the National Guard, with only 8 of them called to active duty under Article 65 leaving 106 subject to the bill's provisions.

DBM further advises that with an average State salary of \$39,351 per year, the total for all 106 employees would be an increase in expenditures of \$4.2 million. DBM also advises that many agencies would incur additional expenses for hiring temporary employees to assume the duties of activated employees.

Under current law all or a portion of the expenditures for overtime or contractual employees hired to perform the duties of employees called to active duty could be covered by the funds budgeted for the salaries of the employees called to active duty under Title 32 or Title 10, but not paid. With the bill's requirement to pay the employees called to active duty, these funds could not be used to pay overtime and contractual employees. The increase in general, special, or federal fund expenditures depends upon the number, position, and salaries of employees called to active duty under Title 32 or Title 10, and the length of each deployment. Although the increase in expenditures cannot be reliably estimated at this time, it could be significant.

Local Expenditures: Expenditures for local governments with employees called to duty under Title 32 or Title 10 will increase. The increase in expenditures cannot be reliably estimated at this time. The increase in expenditures depends upon the number, position, and salaries of employees called to active duty under Title 32 or Title 10, and the length of each deployment. Although the increase in expenditures cannot be reliably estimated at this time, it could be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Military Department, Department of Budget and Management, Department of Legislative Services

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