

OVERVIEW OF ARIZONA'S TIME OFF LAWS FOR MILITARY PERSONNEL

A variety of federal and state laws, policies, and programs provide military personnel (both servicemembers and civilians) in Arizona access to time off from work to fulfill a commitment to the U.S. Armed Services, including the National Guard and Reserve. This document summarizes state laws that supplement the federal protections.

The National Guard Antidiscrimination Act (A.R.S. § 26-167)

- No employer may discriminate against National Guard members who are absent from work under competent military orders. Competent orders are duty orders issued by the Arizona National Guard or any of the U.S. Military Armed Services to report for active duty, maneuvers, camps, training, or drills. (A.R.S. § 26-168)
- Employers may not create barriers that would deprive a National Guard member from obtaining employment in his trade or profession.
- Employers may not discourage employees from enlisting in service "by threat of or actual infliction of physical punishment or economic damage."

Absence from Employment for Military Duty Act (A.R.S. § 26-168)

- Members of the National Guard or the U.S. Armed Forces Reserves are entitled to take leaves of absence to comply with competent orders.
 - o Time off pursuant to competent orders may not impact an employee's vacation rights. However, employers may count these absences when calculating an employee's eligibility for and amount of vacation time and pay.
- Members of the National Guard or the U.S. Armed Forces Reserves cannot lose seniority if complying with competent orders.
 - o Upon return, the employer must allow the employee to return to his/her previous position or to a higher-ranking position in which he or she is qualified to fill and would have obtained but for the absence due to service.
- State employees who are members of the National Guard or the U.S. Armed Forces Reserves are entitled to a leave of absence to comply with competent orders.
 - o Employees will not lose time or efficiency rating as a result of this leave.
 - o State, county, city, and town employees must receive paid time off for military leave of up to 30 days every other year. (A.R.S. § 38-610)
 - o If the leave is 30 days or less, employees are entitled to pay and the military leave will not be deducted from vacation time.

Absence from Employment for National Disaster Work (A.R.S. § 38-610.02)

- Members of the National Guard called up by the National Disaster Medical System are given access to job-protected time off that provides for leave until an employee is released from active duty.
- During this leave, the employee will continue to receive his or her regular salary less the amount paid by the government for active duty.¹ Employees are not entitled to accrue annual and sick leave during active duty.

¹ Employees are required to prove honorable service while on active duty. The State may seek recovery of the pay differential if an employee fails to prove honorable service.