

29A.28 Leave of absence of civil employees.

1. All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, shall, when ordered by proper authority to state active duty, state military service, or federal service, be entitled to a leave of absence from such civil employment for the period of state active duty, state military service, or federal service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. Where state active duty, state military service, or federal service is for a period less than thirty days, a leave of absence under this section shall only be required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality.

2. A state agency, subdivision of the state, or municipality may hire a temporary employee to fill any vacancy created by such leave of absence. Temporary employees hired to fill a vacancy created by a leave of absence under this section shall not count against the number of full-time equivalent positions authorized for the state agency, subdivision of the state, or municipality.

3. Upon returning from a leave of absence under this section, an employee shall be entitled to return to the same position and classification held by the employee at the time of entry into state active duty, state military service, or federal service or to the position and classification that the employee would have been entitled to if the continuous civil service of the employee had not been interrupted by state active duty, state military service, or federal service. Under this subsection, "*position*" includes the geographical location of the position.

[C35, § 467-f25; C39, § **467.25**; C46, 50, § 29.25; C54, 58, 62, § 29.28; C66, 71, 73, 75, 77, 79, 81, § 29A.28]

2001 Acts, 2nd Ex, ch 1, §16, 28; 2003 Acts, ch 142, §3, 11; 2003 Acts, 1st Ex, ch 2, § 36, 47; 2004 Acts, ch 1086, §14

Footnotes

See also § 29A.43

2003 amendments by 2003 Acts, ch 142, § 3, take effect May 21, 2003, and apply retroactively to January 1, 2003; 2003 Acts, ch 142, § 11

2003 amendment to subsection 3 by 2003 Acts, 1st Ex, ch 2, § 36, takes effect June 19, 2003, and applies retroactively to January 1, 2003; 2003 Acts, 1st Ex, ch 2, § 47