

Military Service

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-2050

Public employees have the right to a leave of absence for the purpose of being inducted or otherwise entering military duty. Municipal employees are among the public employees guaranteed re-employment rights after active or reserve military service if still physically qualified to perform the duties of such position. If the employee is not qualified to perform the duties of such position by reason of disability sustained during such service, such public employee shall be placed in such other position, the duties of which the employee is qualified to perform. T.C.A. §§ 8-33-101 - 105.

Members of reserve components of the U.S. armed forces (including members of the Tennessee Army and the Air National Guard) are entitled to leaves of absence while engaged in "duty or training in the service of this state, or of the United States, under competent orders." They must be given such leave with pay not exceeding twenty (20) working days in any one calendar year, including weekends if regularly scheduled for work. The intent of the pay provision is to allow employees to receive their regular pay, in addition to military pay, for two-week summer training camp and for weekends an employee is regularly scheduled for work but has military duty. In addition, this section allows public employers to provide partial compensation to employees while serving under competent orders, in addition to the 20 working days of compensation referred to above. After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee Army and Air National Guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay. T.C.A. § 8-33-109.

T.C.A. § 8-33-110 entitles a state or local government employee who is also a member of the Tennessee Army and Air National Guard on active duty or Tennessee State Guard and Civil Air Patrol to an unpaid leave of absence without loss of time, pay, or leave for all periods of service during which they are engaged in the performance of duty or training under competent orders.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 06/20/2019 - 1:07pm): <http://www.mtas.tennessee.edu/reference/military-service>