

MILITARY LEAVE FOR FIRST RESPONDERS ACT

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House Bill 5232 as reported from committee
Sponsor: Rep. Matt Koleszar

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5233 (H-1) as reported from committee
Sponsor: Rep. Ron Robinson

Committee: Government Operations
Complete to 3-5-26

SUMMARY:

House Bill 5233 would create a new act, the Military Leave for First Responders Act, to require *law enforcement agencies* and *organized fire departments* to provide at least 26 days of paid *military leave* at the start of each year for each full-time member of the agency or department who is enlisted in the Army or Air National Guard or in the Army, Navy, Marine Corps, Air Force, or Coast Guard reserves. Any unused leave would lapse at the end of the year. The bill would not apply to a part-time, volunteer, or paid on call member of a department or agency.

Law enforcement agencies would include at least the Department of State Police, county sheriff's offices, and the police departments of local units of government.

Organized fire department would mean a governmental entity that safeguards life and property from damage from explosion, fire, or disaster and provides fire suppression and other related services in Michigan. Any lawfully organized firefighting force in Michigan would be considered an organized fire department under the bill.

Military leave would mean time off from work for training or the performance of duty (such as compliance with an order to report or deploy) in the Army or Air National Guard or the Army, Navy, Marine Corps, Air Force, or Coast Guard reserves.

A law enforcement agency or organized fire department also would have to provide paid military leave to allow for attendance at a preinduction physical examination by an agency or department member who is seeking to enlist in the Army or Air National Guard or the Army, Navy, Marine Corps, Air Force, or Coast Guard reserves.

An agency or department member using military leave would have to be paid wages at their regular pay rate and, if covered by a collective bargaining agreement, be provided with all contractually required and normally provided fringe benefits and accruals.

A member requesting to use paid military leave would have to provide their employer with a copy of the relevant military orders. For leave of 10 to 19 consecutive days, the request would have to be made at least 14 days before the leave begins. For leave of 20 or more consecutive days, the request would have to be made as far in advance as reasonably possible.

Other provisions

The bill states that it would neither prohibit nor require an agency or department member's use of annual leave for an absence due to military service and that it would not reduce wages or benefits available under a collective bargaining agreement to a member using military leave.

If the bill conflicts with a currently effective collective bargaining agreement, the bill would not apply until either that agreement expires or (if sooner) a new agreement is entered into.

The bill would prohibit an agency or department from requiring a member to waive or limit a right granted under the bill, and any such agreement would be void and unenforceable.

The bill also would prohibit an agency or department from allowing a member to carry unused paid military leave over from one year to the next and from providing a member with financial or other reimbursement for any unused leave.

House Bill 5232 would amend 1955 PA 133, which provides employment protections for individuals serving in the U.S. Armed Forces, including the reserve components and National Guard.

Among other things, the act allows counties, cities, villages, and townships to provide paid leave or differential pay¹ to employees who need to be absent from work due to military service.

The bill would provide that those provisions are subject to the requirements of the Military Leave for First Responders Act (House Bill 5233).

The bill cannot take effect unless House Bill 5233 or its Senate equivalent is enacted into law.

MCL 32.273a

FISCAL IMPACT:

House Bill 5233 would have an indeterminate fiscal impact on the state and local units of government. Under the bill, the Department of State Police, county sheriff's offices, local law enforcement agencies, and organized fire departments would be required to provide a minimum of 26 days of paid military leave per year to employees who are qualified reservists or Michigan National Guard members. However, the extent to which these entities already provide (or do not provide) paid military leave to qualified members, as well as the number of qualified members employed by these entities, is not known. In addition, because the bill would not require qualified members to use the provided military leave for service-related absences, an estimate of the fiscal impact on the state or local units of government cannot be made.

House Bill 5232 is a companion bill to House Bill 5233 and would have no direct fiscal impact on the state or local units of government.

¹ To make up any difference between what the employee gets for military service and their normal pay.

POSITIONS:

Representatives of the following entities testified in support of the bills (1-22-26):

- Michigan Professional Firefighters Union
- Northville Township Fire Local Union

The Department of Military and Veterans Affairs indicated support for the bills. (1-22-26)

The following entities indicated opposition to House Bill 5233 (2-19-26):

- Michigan Townships Association
- Michigan Municipal League

Legislative Analyst: Rick Yuille
Fiscal Analyst: Aaron A. Meek

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.