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JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-54

February 20, 1985

Representative Tommy E. Mitchum
P.O. Box 2082
Batesville, AR 72501

Dear Representative Mitchum:

I received your request for an Attorney General's opinion interpreting the provisions of Act 567 of 1975 -- the Uniform Attendance and Leave Policy Act. Specifically, you requested an opinion as to whether the two weeks' leave granted state employees for annual military training is calculable in calendar days or work days.

The applicable statutory citation is Ark. Stat. Ann. §12-2370(a) (1979 Repl.) which states, in part:

Employees who are members of the National Guard or any of the reserve branches of the Armed Forces shall be granted two [2] weeks leave annually, plus necessary travel time for annual training requirements. Said leave shall be granted without loss of pay and in addition to regular vacation time

It is my opinion that this law provides for two work weeks (10 working days) of leave for military training by state employees.

Military training leave is one of three types of leave-with-pay benefits earned by state employees: the others being annual leave (vacation time) and sick leave. Obviously, employees may accrue such leave only through completing sufficient work days, and such leave, when taken, is similarly chargeable only against work days. See, e.g., Ark. Stat. Ann. §12-2367(j). Whenever leave-with-pay is mentioned in the Act, therefore, it is applicable only to work days. The only reference in the Act to a calendar period of leave time is in the provision for extended leaves of absence without pay. Ark. Stat. Ann. §12-2369(a).

Tommy E. Mitchum
February 20, 1985
Page 2

Within the same statute dealing with military leave is a subsection involving emergency military service at the behest of the Governor or President of the United States. Ark. Stat. Ann. §12-2370(d). Interestingly, this form of military leave has the same features as leave for annual training -- with pay and in addition to regular vacation time, and the subsection specifically states that the leave granted is for "working days." The two subsections should, I believe, be read so that words and phrases used in both share consistent meanings.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Robert H. Wood, Jr.

Sincerely,


STEVE CLARK
Attorney General

SC:RHW:jr