



**House
Legislative
Analysis
Section**

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NAT'L GUARD: SPECIAL DUTY PAY

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Senate Bill 1003 as introduced
First Analysis (12-7-88)

JAN 18 1989

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Sponsor: Sen. John F. Kelly

Senate Committee: Local Government and Veterans

House Committee: Appropriations

THE APPARENT PROBLEM:

Members of the state military establishment, notably members of the national guard, often perform services for which they are compensated by the federal government. Public Act 194 of 1975 amended the Michigan Military Act to reduce the amount of state pay received by the adjutant general and assistant adjutant generals by the amount of federal pay received. Special duty personnel other than these general grade officers were required to take a leave day when time was spent on federal duty during normal working hours. Although ostensibly the pay reduction provision was an economy measure, recent committee testimony indicated that personal grudges may have played a part in the enactment of Public Act 194.

The federal training duty usually falls on weekends; many believe it unfair for the state to reduce state pay by the amount of federal pay received during a time that falls outside the normal work week. It would suffice, many argue, for the state to require general grade officers to use leave time when federal work is performed during what would normally be state time. The Department of Military Affairs has suggested legislation on this point.

THE CONTENT OF THE BILL:

When special duty personnel in the state national guard perform services for the federal government during their regular work hours, the federal government pays them. Under the Michigan Military Act, all special duty personnel except those holding the rank of general are charged with leave time when this happens; generals have their state pay and allowances reduced by the amount of military pay they receive from the federal government.

The bill would amend the Michigan Military Act to require that all special duty personnel in the military establishment, including those holding the rank of general, be charged with leave time when receiving military pay from the federal government for services performed for the federal government during regular work hours. The bill would repeal a section requiring that state pay for general grade officers be reduced by the amount of federal pay.

MCL 32.705 and 32.728

FISCAL IMPLICATIONS:

According to an analysis issued by the Department of Military Affairs on an identical bill, House Bill 5859, the bill would cost the state about \$27,000 annually. (10-17-88)

ARGUMENTS:

For:

The bill would do away with the unfair situation imposed by Public Act 294 of 1975 by allowing general grade officers to retain federal pay for night and weekend duty without having their state pay reduced by the same

amount. "Double-dipping" would be prevented by requiring state leave time to be taken for federally-paid time occurring during the normal work week. The situation for general grade officers would be made consistent with that for everyone else in the national guard or reserves, be they state employees or not: they will get to keep the pay they earn for service on weekends.

POSITIONS:

The Department of Military Affairs supports the House Bill 5859, which is identical to Senate Bill 1003. (12-5-88)

Amvets supports House Bill 5859, which is identical to Senate Bill 1003. (12-2-88)

S.B. 1003 (12-7-88)