

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 788

Representatives Mathews, T., Dovilla

To amend section 5923.05 of the Revised Code 1
regarding paid military leave for law 2
enforcement officers. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5923.05 of the Revised Code be 4
amended to read as follows: 5

Sec. 5923.05. (A) (1) Permanent public employees who are 6
members of the Ohio organized militia or members of other 7
reserve components of the armed forces of the United States, 8
including the Ohio national guard, are entitled to a leave of 9
absence from their respective positions without loss of pay for 10
the time they are performing service in the uniformed services, 11
for periods of up to one month, for each federal fiscal year in 12
which they are performing service in the uniformed services. 13

(2) As used in this section: 14

(a) "Federal fiscal year" means the year beginning on the 15
first day of October and ending on the thirtieth day of 16
September. 17

(b) "Month" means twenty-two eight-hour work days or one 18
hundred seventy-six hours, or for a public safety employee, 19
seventeen twenty-four-hour days or four hundred eight hours, 20

within one federal fiscal year. 21

(c) "Permanent public employee" means any person holding a 22
position in public employment that requires working a regular 23
schedule of twenty-six consecutive biweekly pay periods, or any 24
other regular schedule of comparable consecutive pay periods, 25
which is not limited to a specific season or duration. 26
"Permanent public employee" does not include student help; 27
intermittent, seasonal, or external interim employees; or 28
individuals covered by personal services contracts. 29

(d) "State agency" means any department, bureau, board, 30
commission, office, or other organized body established by the 31
constitution or laws of this state for the exercise of any 32
function of state government, the general assembly, all 33
legislative agencies, the supreme court, the court of claims, 34
and the state-supported institutions of higher education. 35

(e) "Service in the uniformed services" means the 36
performance of duty, on a voluntary or involuntary basis, in a 37
uniformed service, under competent authority, and includes 38
active duty, active duty for training, initial active duty for 39
training, inactive duty for training, full-time national guard 40
duty, and performance of duty or training by a member of the 41
Ohio organized militia pursuant to Chapter 5923. of the Revised 42
Code. "Service in the uniformed services" includes also the 43
period of time for which a person is absent from a position of 44
public or private employment for the purpose of an examination 45
to determine the fitness of the person to perform any duty 46
described in this division. 47

(f) "Uniformed services" means the armed forces, the Ohio 48
organized militia when engaged in active duty for training, 49
inactive duty training, or full-time national guard duty, the 50

commissioned corps of the public health service, and any other 51
category of persons designated by the president of the United 52
States in time of war or emergency. 53

(g) "Public safety employee" means a permanent public 54
employee who is employed as a fire fighter, law enforcement 55
officer as defined in section 9.69 of the Revised Code, or 56
emergency medical technician. 57

(B) Except as otherwise provided in division (D) of this 58
section, any permanent public employee who is employed by a 59
political subdivision, who is entitled to the leave provided 60
under division (A) of this section, and who is called or ordered 61
to the uniformed services for longer than a month, for each 62
federal fiscal year in which the employee performed service in 63
the uniformed services, because of an executive order issued by 64
the president of the United States, because of an act of 65
congress, or because of an order to perform duty issued by the 66
governor pursuant to section 5919.29 of the Revised Code is 67
entitled, during the period designated in the order or act, to a 68
leave of absence and to be paid, during each monthly pay period 69
of that leave of absence, the lesser of the following: 70

(1) The difference between the permanent public employee's 71
gross monthly wage or salary as a permanent public employee and 72
the sum of the permanent public employee's gross uniformed pay 73
and allowances received that month; 74

(2) Five hundred dollars. 75

(C) Except as otherwise provided in division (D) of this 76
section, any permanent public employee who is employed by a 77
state agency, who is entitled to the leave provided under 78
division (A) of this section, and who is called or ordered to 79

the uniformed services for longer than a month, for each federal 80
fiscal year in which the employee performed service in the 81
uniformed services, because of an executive order issued by the 82
president of the United States, because of an act of congress, 83
or because of an order to perform duty issued by the governor 84
pursuant to section 5919.29 or 5923.21 of the Revised Code is 85
entitled, during the period designated in the order or act, to a 86
leave of absence and to be paid, during each monthly pay period 87
of that leave of absence, the difference between the permanent 88
public employee's gross monthly wage or salary as a permanent 89
public employee and the sum of the permanent public employee's 90
gross uniformed pay and allowances received that month. 91

(D) No permanent public employee shall receive payments 92
under division (B) or (C) of this section if the sum of the 93
permanent public employee's gross uniformed pay and allowances 94
received in a pay period exceeds the employee's gross wage or 95
salary as a permanent public employee for that period or if the 96
permanent public employee is receiving pay under division (A) of 97
this section. 98

(E) Any political subdivision of the state, as defined in 99
section 2744.01 of the Revised Code, may elect to pay any of its 100
permanent public employees who are entitled to the leave 101
provided under division (A) of this section and who are called 102
or ordered to the uniformed services for longer than one month, 103
for each federal fiscal year in which the employee performed 104
service in the uniformed services, because of an executive order 105
issued by the president or an act of congress, such payments, in 106
addition to those payments required by division (B) of this 107
section, as may be authorized by the legislative authority of 108
the political subdivision. 109

(F) Each permanent public employee who is entitled to 110
leave provided under division (A) of this section shall submit 111
to the permanent public employee's appointing authority the 112
published order authorizing the call or order to the uniformed 113
services or a written statement from the appropriate military 114
commander authorizing that service, prior to being credited with 115
that leave. 116

(G) Any permanent public employee of a political 117
subdivision whose employment is governed by a collective 118
bargaining agreement with provision for the performance of 119
service in the uniformed services shall abide by the terms of 120
that collective bargaining agreement with respect to the 121
performance of that service, except that no collective 122
bargaining agreement may afford fewer rights and benefits than 123
are conferred under this section. 124

Section 2. That existing section 5923.05 of the Revised 125
Code is hereby repealed. 126

Section 3. The amendment by this act of section 5923.05 of 127
the Revised Code applies to collective bargaining agreements 128
under Chapter 4117. of the Revised Code entered into, modified, 129
or renewed on or after the effective date of this section. 130