

H805 - An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces

- **Purpose:** This bill proposes to permit Vermont employees that serve in another state's National Guard to retain their civilian employer-sponsored health insurance if ordered to state active duty and to clarify the relief available through a civil action for a member of the National Guard or a Reserve Component of the U.S. Armed Forces whose employment or reemployment rights are violated.
 - The Uniformed Services Employment and Reemployment Rights Act (USERRA) does not apply when a National Guard member is called-up by their Governor to serve state active duty to respond to state emergencies such as fires, hurricanes, tornadoes, floods, etc.
 - Vermont statute protects their civilian jobs for National Guard members on Vermont state active duty; however:
 - There is no enforcement mechanism that provides the member an adequate private right of action in the event the member believes the employer has denied their right for reemployment.

Additional bullets:

- Employment protection during state-sponsored activation is an important quality of life issue for the Department of Defense. Research indicates that 18 states already do what we are seeking here, including Arkansas, California, Delaware, Idaho, Illinois, Kansas, Louisiana, Maine, Michigan, Minnesota, Montana, North Carolina, Oregon, South Carolina, Texas, Utah, Washington and Wisconsin. Seven other states are currently considering legislation.