

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing and Military Affairs to which was
3 referred House Bill No. 805 entitled “An act relating to employment rights for
4 members of the National Guard and Reserve Components of the U.S. Armed
5 Forces” respectfully reports that it has considered the same and recommends
6 that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 Sec. 1. 21 V.S.A. § 491 is amended to read:

9 § 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

10 EMPLOYMENT AND REEMPLOYMENT RIGHTS

11 (a) Any duly qualified member of the “~~reserve components of the armed~~
12 ~~forces,”~~ Reserve Components of the U.S. Armed Forces, of the ~~ready reserve~~
13 Ready Reserve, or an organized unit of the ~~national guard~~ Vermont National
14 Guard or the National Guard of another state shall upon request be entitled to
15 leaves of absence for a total of 15 days in any calendar year for the purpose of
16 engaging in military drill, training, or other temporary duty under military
17 authority. A leave of absence shall be with or without pay as determined by
18 the employer. Upon completion of the military drill, training, or other
19 temporary duty under military authority, a permanent employee shall be
20 reinstated in that position with the same status, pay, and seniority, including
21 seniority that accrued during the period of absence.

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(c) An employer shall not discriminate in employment against any person because a person has taken any of the following actions:

(1) ~~Enforcement~~ enforcement of a provision of this ~~subsection~~ subchapter or federal law;

(2) ~~Testified~~ testified or made a statement in connection with any proceeding under this ~~subsection~~ subchapter or under federal law;

(3) ~~Assisted~~ assisted or participated in any investigation under this ~~subsection~~ subchapter or federal law; or

(4) ~~Exercised~~ exercised any right provided by this ~~subsection~~ subchapter or under federal law.

Sec. 2. 21 V.S.A. § 492 is amended to read:

§ 492. RIGHTS AND BENEFITS

* * *

(c)(1) If any member of the Vermont National Guard with civilian employer-sponsored insurance coverage is ordered to State active duty by the Governor for up to 30 days, or if any member of the National Guard of another state who is a Vermont employee with civilian employer-sponsored insurance is ordered to state active duty by the governor of that state for up to 30 days, the service member may, at the member's option, continue his or her civilian health insurance under the same terms and conditions as were in effect for the

1 month preceding the member's call to State active duty, including a
2 continuation of the same levels of employer and employee contributions
3 toward premiums and cost-sharing.

4 (2) If a member of the Vermont National Guard is called to State active
5 duty for more than 30 days, or if a member of the National Guard of another
6 state who is a Vermont employee is called to state active duty for more than 30
7 days, the member may continue his or her civilian health insurance. For a
8 member whose employer chooses not to continue regular contributions toward
9 premiums and cost-sharing during the period of the member's State active duty
10 in excess of 30 days, the State of Vermont shall be responsible for paying the
11 employer's share of the premium and cost-sharing.

12 * * *

13 Sec. 3. 21 V.S.A. § 493 is amended to read:

14 § 493. ENFORCEMENT

15 (a) If any employer fails to comply with any of the provisions of this
16 subchapter, the employee may bring an action ~~at law for damages for~~
17 ~~noncompliance, or apply to the superior court for equitable relief as may be~~
18 ~~just and proper under the circumstances~~ in the Civil Division of the Superior
19 Court seeking compensatory and punitive damages or equitable relief,
20 including restraint of prohibited acts, restitution of wages or other benefits,
21 reinstatement, costs, reasonable attorney's fees, and other appropriate relief.

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Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE

