

# The Vermont Statutes Online

## Title 21 : Labor

### Chapter 005 : Employment Practices

#### Subchapter 005 : Employment Rights For Reserve And National Guard Members

(Cite as: 21 V.S.A. § 491)

#### § 491. Absence on military service and training; employment and reemployment rights

(a) Any duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or an organized unit of the Vermont National Guard or the National Guard of another state shall upon request be entitled to leaves of absence for a total of 15 days in any calendar year for the purpose of engaging in military drill, training, or other temporary duty under military authority. A leave of absence shall be with or without pay as determined by the employer. Upon completion of the military drill, training, or other temporary duty under military authority, a permanent employee shall be reinstated in that position with the same status, pay, and seniority, including seniority that accrued during the period of absence.

(b) A member of or an applicant for membership in the National Guard in either federal or state status as defined in 20 V.S.A. § 366, 601, or 602, shall not be denied initial employment, reemployment, retention of employment, promotion, or any benefit of employment by an employer on the basis of membership, application for membership, performance of service, application for service, or obligation to serve.

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

- (1) enforcement of a provision of this subchapter or federal law;
  - (2) testified or made a statement in connection with any proceeding under this subchapter or under federal law;
  - (3) assisted or participated in any investigation under this subchapter or federal law;
- or
- (4) exercised any right provided by this subchapter or under federal law. (Amended 1999, No. 138 (Adj. Sess.), § 6; 2007, No. 44, § 1; 2015, No. 121 (Adj. Sess.), § 1.)