

1 H.47

2 Introduced by Representatives Donahue of Northfield, Fagan of Rutland City,
3 Goslant of Northfield, and Harrison of Chittenden

4 Referred to Committee on

5 Date:

6 Subject: Labor; employment practices; rights for reserve and National Guard
7 members

8 Statement of purpose of bill as introduced: This bill proposes to provide a
9 member of the National Guard serving on state active duty with the same leave
10 rights and job protections that he or she is entitled to for service under federal
11 authority. This bill also proposes to provide State employees with up to
12 15 days of paid military leave per year.

13 An act relating to employment rights for members of the Reserve and
14 National Guard

15 It is hereby enacted by the General Assembly of the State of Vermont:

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

17 § 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

18 EMPLOYMENT AND REEMPLOYMENT RIGHTS

19 (a)(1)(A) Any duly qualified member of the Reserve Components of the
20 U.S. Armed Forces, of the Ready Reserve, or an organized unit of the Vermont

1 National Guard or the National Guard of another state shall ~~upon~~, when called
2 to state or federal service, receive the same benefits, privileges, and protections
3 in employment regardless of the activation authority or location of service.

4 (B) Upon request, a duly qualified member of the Reserve
5 Components of the U.S. Armed Forces, of the Ready Reserve, or an organized
6 unit of the Vermont National Guard or the National Guard of another state
7 shall be entitled to leaves of absence for a total of 15 days in any calendar year
8 for the purpose of engaging a leave of absence to engage in military drill,
9 training, or other temporary duty under military authority pursuant to state or
10 federal military orders. Upon being ordered to state or federal duty, the
11 member shall be subject to the requirements of and entitled to the rights,
12 privileges, benefits, and protections provided in the Uniformed Services
13 Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301–
14 4335. A Except as otherwise provided pursuant to subdivision (2) of this
15 subsection, a leave of absence shall be with or without pay as determined by
16 the employer. Upon completion of the military drill, training, or other
17 temporary duty under military authority, a permanent employee shall be
18 reinstated in that position with the same status, pay, and seniority, including
19 seniority that accrued during the period of absence.

20 (2) A State employee who is a duly qualified member of the Reserve
21 Components of the U.S. Armed Forces, the Ready Reserve, or an organized

1 unit of the Vermont National Guard or the National Guard of another state
2 shall upon request be entitled to up to 15 days of paid leave at his or her
3 regular rate of pay in each calendar year to engage in military drill, training, or
4 other temporary duty pursuant to state or federal military orders.

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6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on July 1, 2021.