

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 149 entitled “An act relating to modernizing statutes
4 related to the Vermont National Guard” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 Sec. 72, effective date, in its entirety and inserting in lieu thereof Secs. 72 and
7 73 to read as follows:

8 Sec. 72. 21 V.S.A. § 491 is amended to read:

9 § 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

10 EMPLOYMENT AND REEMPLOYMENT RIGHTS

11 (a)(1) Any duly qualified member of the Reserve Components of the U.S.
12 Armed Forces, of the Ready Reserve, or an organized unit of the Vermont
13 National Guard or the National Guard of another state shall ~~upon~~, when called
14 to state or federal service, receive the same benefits, privileges, and protections
15 in employment regardless of the activation authority or location of service.

16 (2)(A) Upon request, a duly qualified member of the Reserve
17 Components of the U.S. Armed Forces, of the Ready Reserve, or the Vermont
18 National Guard or the National Guard of another state shall be entitled to
19 ~~leaves of absence for a total of 15 days in any calendar year for the purpose of~~
20 ~~engaging~~ a leave of absence to engage in military drill, training, or other

1 temporary duty ~~under military authority~~ pursuant to state or federal military
2 orders.

3 (B) A member of the Vermont National Guard or the National Guard
4 of any state or territory who is ordered to state active duty shall be subject to
5 the requirements of and entitled to the rights, privileges, benefits, and
6 protections provided by the Uniformed Services Employment and
7 Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301–4335.

8 (C) A leave of absence shall be with or without pay as determined by
9 the employer. ~~Upon completion of the military drill, training, or other~~
10 ~~temporary duty under military authority, a permanent employee shall be~~
11 ~~reinstated in that position with the same status, pay, and seniority, including~~
12 ~~seniority that accrued during the period of absence.~~

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

19 * * *

20 Sec. 73. EFFECTIVE DATE

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

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(Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE