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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMPLOYMENT RIGHTS OF
MEMBERS OF ARMED FORCES

Introduced By: Senators Felag, Walaska, Gallo, Pichardo, and Lynch Prata

Date Introduced: March 31, 2016

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-11-3 of the General Laws in Chapter 30-11 entitled
2 "Employment Rights of Members of Armed Forces" is hereby amended to read as follows:

3 **30-11-3. Restoration of national guard member to employment.** -- (a) Any person
4 who is a duly qualified member of the ~~Rhode Island national guard~~ [National Guard of this state or](#)
5 [any other state](#) who, in order to perform any military service he or she may be called upon to
6 perform by proper authority, leaves a position, other than a temporary position, in the employ of
7 an employer, who shall give evidence of the satisfactory completion of that training, and who is
8 still qualified to perform the duties of that position, shall be entitled to be restored to his or her
9 previous or a similar position in the same status, pay, and seniority, and this period of absence for
10 military training shall be construed as an absence with leave and without pay.

11 (b) In addition to the provisions provided in this section, all National Guard members on
12 state active duty shall be entitled to the rights, protections, privileges, and immunities offered
13 under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA),
14 Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 [38 U.S.C. § 4301 et
15 seq.].

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMPLOYMENT RIGHTS OF
MEMBERS OF ARMED FORCES

- 1 This act expands the restoration of employment rights of employees who are members of
- 2 the National Guard of this or any other state.
- 3 The act would take effect upon passage.

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