



HOUSE BILL 487: Nat. Guard Reemployment Rights/Definitions.

2017-2018 General Assembly

Committee:		Date:	August 14, 2017
Introduced by:		Prepared by:	Jason Moran-Bates Staff Attorney
Analysis of:	S.L. 2017-156		

OVERVIEW: *S.L. 2017-153 extends the reemployment rights of members of the National Guard to include members called to active duty by any governor, provide a time period for recovery if the member was injured in the line of duty, and defines relevant terms. The act also extends the right to terminate a rental agreement early to active members of the National Guard and Reserve and military technicians, in addition to members of the regular Armed Forces.*

The act became effective July 21, 2017.

CURRENT LAW: Currently employees released from service to North Carolina or injured in the line of duty must make written application to their employers for reemployment within five days of release from duty or release from hospitalization. If still qualified for the previous employment, the employee must be restored to the previous position or one of like seniority, status, and salary unless the employer's circumstances make restoration unreasonable.

BILL ANALYSIS:

Section 1 of the act:

- Defines "benefit of employment," "qualified," "seniority," and "state duty". The definition of "state duty" would protect a member of the National Guard who serves state duty under a governor's order.
- Requires employers to return an employee to the employee's previous position within five days of the employee's release from state duty.
- Increases the time period employees who served more than thirty days have to apply for reemployment from five days to fourteen days
- Requires the employee to apply for reemployment in writing within fourteen days of the employee's release from state duty.
- Permits an employee injured in the line of duty to apply for reemployment any time within two years while the employee recovers.
- Allows a recovering employee to petition the Commissioner of Labor to extend the two year period.

Section 2 of the act extends the right to terminate a rental agreement before its term expires, which is currently exercised only by Armed Forces members, to active members of the National Guard or Reserves and military technicians.

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EFFECTIVE DATE: This act became effective July 21, 2017. Section 1 applies to state duty, as defined in the act, commencing on or after that date. Section 2 applies to leases entered into on or after that date.