



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

2017-2018 General Assembly

|  |                                       |
|--|---------------------------------------|
| <b>Committee:</b> House Judiciary I          | <b>Date:</b> April 26, 2017           |
| <b>Introduced by:</b> Reps. G. Martin, Szoka | <b>Prepared by:</b> Jason Moran-Bates |
| <b>Analysis of:</b> Second Edition           | Legislative Analyst                   |

**OVERVIEW:** *House Bill 487 would add several definitions to the National Guard Reemployment Rights Act, Article 16 of Chapter 127A of the General Statutes and require employers to return employees who served on state duty to their previous positions within five days of the employees' release from state duty. It would increase the time period employees who served more than thirty days have to apply for reemployment from five days to fourteen days and permit employees injured in the line of duty to have up to two years to apply for reemployment during their recovery period.*

[As introduced, this bill was identical to S404, as introduced by Sen. Britt, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Currently, employees released from service 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 bill would add definitions of "benefit of employment," "qualified," "seniority," and "state duty" to Article 16 of Chapter 127A.

**Section 2** would amend G.S. 127A-202 to require employers to return an employee to the employee's previous position within five days of the employee's release from state duty. If the employee's state duty lasted more than thirty days, the bill would require the employee to apply for reemployment in writing within fourteen days of the employee's release from state duty. Section 2 would amend G.S. 127A-202 to permit an employee injured in the line of duty to apply for reemployment any time within the employee's period of recovery. This period is the time necessary for the employee to recover from illness or injury, not to exceed two years. An employee may petition the Commissioner of Labor to extend this two year period. If the extension is granted, the Commissioner must notify the employer of the length of the extension. If it is not granted, the employee may commence a contested case under Article 3 of Chapter 150B. Section 2 also makes a technical and conforming change to G.S. 127A-203.

**EFFECTIVE DATE:** This bill would be effective when it becomes law and apply to state duty, as defined in the bill, commencing on or after that date.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578