

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 994 (as introduced 1-9-02)
Sponsor: Senator Art Miller, Jr.
Committee: Senior Citizens and Veterans Affairs

Date Completed: 1-29-02

CONTENT

The bill would amend Public Act 133 of 1955 (which provides for the reemployment of employees after military service) to prioritize the employment positions in which a person would be reemployed following active service or service for the United States; and to specify that a reemployed person would be entitled to the seniority and the seniority-based rights and benefits he or she otherwise would have had, as well as the nonseniority-based rights and benefits generally provided by the employer to employees on a leave of absence.

Currently, an employee may not be denied a leave of absence, upon request, for the purpose of being inducted into, entering, determining his or her physical fitness to enter, or performing training duty as an officer or enlisted member of the military or naval forces of the United States or this State. The bill would retain this provision, but would refer to a leave for the purpose of "active service, active state service, or the service of the United States".

Under the Act, following release from service, training duty, or rejection, the employee must be reinstated in his or her position without reduction in seniority, status, or pay, within 15 days after the employee's service, release, or rejection, if he or she applies for reinstatement. Under the bill, instead of reinstatement without reduction in seniority, status, or pay, the employee would have to be reemployed in a position according to the following order of priority:

- The position that the person would have held if his or her continuous employment with the employer had not been interrupted by service, if the person were qualified to perform the duties of that position.
- The position that the person held on the date service began, only if he or she were not qualified for the position described above and after the employer had made reasonable efforts to qualify the person.
- Any other position of lesser status or pay that the person was qualified to perform, only if he or she were not qualified and could not become qualified with reasonable efforts by the employer to be employed as described above.

A person who was reemployed under these provisions would be entitled to the seniority and other rights and benefits that were determined by seniority, that he or she had when service began, plus the additional seniority and rights and benefits that the person would have attained if he or she had been continually employed.

In addition, the person would be entitled to rights and benefits, not determined by seniority, that the employer generally provided to employees with similar seniority, status, and pay who were on furlough or leave of absence under a contract, agreement, policy, practice, or plan that was in effect at the time service began or established while the person performed service. The bill would define "service" as active service, active State service, or in the service of the

United States. "Active service" would mean service, including active State service or special duty required by law or regulation, or pursuant to an order of the Governor. The term would include continuing service of an active member of the National Guard and the defense force in fulfilling that member's commission, appointment, or enlistment.

"Active state service", as applied to the National Guard and the defense force, would mean military service in support of civil authorities, at the request of local authorities, including support in the enforcement of laws prohibiting the importation, sale, delivery, possession, or use of a controlled substance, if ordered by the Governor or as otherwise provided in the Act.

MCL 32.273

Legislative Analyst: S. Lowe

FISCAL IMPACT

The potential fiscal impact of this bill on State and local government is indeterminate. The cost would depend upon factors such as the number of people leaving State or local government employment for service, their individual salaries, their expected employment advancement, how long each person would be in active service, and what positions would be available upon the person's return to State or local government employment. According to the Office of the State Employer, 35 to 40 people have left State employment for active service since September 1, 2001.

Fiscal Analyst: J. Runnels