

HOUSE BILL No. 5502

December 12, 2001, Introduced by Reps. Vander Veen, Lockwood, Julian, Caul, Gosselin, Gilbert, Faunce, Meyer, Mead, Van Woerkom, Woronchak, Hummel, Birkholz, Newell, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Ehardt, Rocca, Neumann, George, Kowall, Jelinek, Bernero, Allen, Sheltroun, DeVuyst, Callahan, Hager, Pumford, Zelenko, Phillips, Frank, Jacobs, Pestka, Basham, Kuipers, Shulman, Shackleton, Bisbee, Richardville, Lipsey, Pappageorge, McConico, Whitmer and Cassis and referred to the Committee on Veterans Affairs.

A bill to amend 1955 PA 133, entitled

"An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States,"

by amending section 3 (MCL 32.273).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~No~~ AN employee who requests a leave from his
2 OR HER employment shall NOT be denied a leave of absence by his
3 OR HER employer for the purpose of being inducted into ~~—~~ OR
4 entering ~~—~~ INTO ACTIVE SERVICE, ACTIVE STATE SERVICE, OR THE
5 SERVICE OF THE UNITED STATES, FOR THE PURPOSE OF determining his
6 OR HER physical fitness to enter THE SERVICE, or FOR performing
7 training duty as an officer or enlisted ~~man~~ MEMBER of the mili-
8 tary or naval forces of ~~the~~ THIS state or of the United
9 States. ~~Upon his~~ FOLLOWING release from ~~such~~ SERVICE,

1 training duty, or ~~upon his~~ rejection, ~~such~~ THE employee
2 shall, if he OR SHE makes application to his OR HER employer for
3 ~~reinstatement~~ REEMPLOYMENT within 15 days following ~~his~~
4 SERVICE, release, or rejection, be ~~reinstated in his position~~
5 ~~without reduction in his seniority, status, or pay.~~ REEMPLOYED
6 IN A POSITION OF EMPLOYMENT IN THE FOLLOWING ORDER OF PRIORITY:

7 (A) IN THE POSITION OF EMPLOYMENT IN WHICH THE PERSON WOULD
8 HAVE BEEN EMPLOYED IF THE CONTINUOUS EMPLOYMENT OF THE PERSON
9 WITH THE EMPLOYER HAD NOT BEEN INTERRUPTED BY SERVICE, THE DUTIES
10 OF WHICH THE PERSON IS QUALIFIED TO PERFORM.

11 (B) IN THE POSITION OF EMPLOYMENT IN WHICH THE PERSON WAS
12 EMPLOYED ON THE DATE OF THE COMMENCEMENT OF SERVICE, ONLY IF THE
13 PERSON IS NOT QUALIFIED TO PERFORM THE DUTIES OF THE POSITION
14 REFERRED TO IN SUBDIVISION (A) AND AFTER REASONABLE EFFORTS BY
15 THE EMPLOYER TO QUALIFY THE PERSON HAVE BEEN MADE.

16 (C) IN ANY OTHER POSITION OF LESSER STATUS OR PAY THAT THE
17 PERSON IS QUALIFIED TO PERFORM, ONLY IF THE PERSON IS NOT QUALI-
18 FIED AND CANNOT BECOME QUALIFIED WITH REASONABLE EFFORTS BY THE
19 EMPLOYER TO BE EMPLOYED AS DESCRIBED IN SUBDIVISION (B).

20 (2) A PERSON WHO IS REEMPLOYED UNDER THIS SECTION IS ENTI-
21 TLED TO THE SENIORITY AND OTHER RIGHTS AND BENEFITS THAT ARE
22 DETERMINED BY SENIORITY THAT THE PERSON HAD ON THE DATE OF THE
23 COMMENCEMENT OF SERVICE PLUS THE ADDITIONAL SENIORITY AND RIGHTS
24 AND BENEFITS THAT THE PERSON WOULD HAVE ATTAINED IF THE PERSON
25 HAD BEEN CONTINUALLY EMPLOYED.

26 (3) IN ADDITION TO THE SENIORITY, RIGHTS, AND BENEFITS UNDER
27 SUBSECTION (2), A PERSON WHO IS REEMPLOYED UNDER THIS SECTION IS

1 ENTITLED TO RIGHTS AND BENEFITS, NOT DETERMINED BY SENIORITY,
2 THAT ARE GENERALLY PROVIDED BY THE EMPLOYER TO EMPLOYEES WHO HAVE
3 SIMILAR SENIORITY, STATUS, AND PAY WHO ARE ON FURLOUGH OR LEAVE
4 OF ABSENCE UNDER A CONTRACT, AGREEMENT, POLICY, PRACTICE, OR PLAN
5 IN EFFECT AT THE COMMENCEMENT OF SERVICE OR ESTABLISHED WHILE THE
6 PERSON PERFORMS SERVICE.

7 (4) AS USED IN THIS SECTION:

8 (A) "ACTIVE SERVICE" MEANS SERVICE, INCLUDING ACTIVE STATE
9 SERVICE OR SPECIAL DUTY REQUIRED BY LAW, REGULATION, OR PURSUANT
10 TO ORDER OF THE GOVERNOR. ACTIVE SERVICE INCLUDES CONTINUING
11 SERVICE OF AN ACTIVE MEMBER OF THE NATIONAL GUARD AND THE DEFENSE
12 FORCE IN FULFILLING THAT ACTIVE MEMBER'S COMMISSION, APPOINTMENT,
13 OR ENLISTMENT.

14 (B) "ACTIVE STATE SERVICE", AS APPLIED TO THE NATIONAL GUARD
15 AND THE DEFENSE FORCE, MEANS MILITARY SERVICE IN SUPPORT OF CIVIL
16 AUTHORITIES, AT THE REQUEST OF LOCAL AUTHORITIES, INCLUDING, BUT
17 NOT LIMITED TO, SUPPORT IN THE ENFORCEMENT OF LAWS PROHIBITING
18 THE IMPORTATION, SALE, DELIVERY, POSSESSION, OR USE OF A CON-
19 TROLLED SUBSTANCE, IF ORDERED BY THE GOVERNOR OR AS OTHERWISE
20 PROVIDED IN THIS ACT. AS USED IN THIS SUBDIVISION, "CONTROLLED
21 SUBSTANCE" MEANS THAT TERM AS DEFINED IN SECTION 7104 OF THE
22 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

23 (C) "SERVICE" MEANS ACTIVE SERVICE, ACTIVE STATE SERVICE, OR
24 IN THE SERVICE OF THE UNITED STATES.