

REEMPLOYMENT AFTER MILITARY SERVICE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 192 (Substitute S-1)

Sponsor: Sen. Jim Barcia

House Committee: Military and Veterans Affairs and Homeland Security

Senate Committee: Commerce and Tourism

Complete to 3-3-08

A SUMMARY OF SENATE BILL 192 AS PASSED BY THE SENATE ON 2-14-08

Under Public Act 133 of 1955, as amended in 2002, when a person on leave from employment for military service is released from military service, he or she must be re-employed if he or she applies to the employer for re-employment within 15 days. The bill would amend Public Act 133 as follows:

* The bill would instead require an employer to re-employ an employee following military service if he or she reported to work or applied to the employer within 45 days following release from service or duty, or within 90 days if the service had been for 180 days or more.

* Currently, the act requires that the employer re-employ an employee who has been away for one to 90 days in the following order of priority: (1) to the position the person would have been employed in without the interruption or (2) in the position the person was employed in when he or she left. However, currently for service of more than 90 days, the employer can re-employ the employee in any other position of less status or pay, but only if the person is not qualified and cannot become qualified with reasonable efforts by the employer to the position he or she held prior to leaving for military service. Senate Bill 192 would revise the provision dealing with absences of over 90 days to specify that the employer must re-employ the person in a position that is the nearest approximation in status and pay to either the position he or she would have been in without the interruption or the position the person was employed in before leaving.

* The act currently says a person is not entitled to re-employment if he or she has a cumulative period of service that exceeds five years (with some exceptions). The bill would instead refer to an uninterrupted period of service of five years.

* The bill would allow an employee who met the act's requirements and was denied re-employment after he or she reported to work or applied to the employer to bring a civil action in the circuit court for the employee's county of residence, and to be awarded reinstatement and reasonable attorney fees.

* Currently, the act applies to an employee who "requests a leave" from employment. The bill would refer to an employee who "gives advance notice for a period of leave" in

order to do military service. Also the bill clarifies that the act applies to service in active state service, the National Guard, or the Armed Forces.

MCL 32.273

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on state and local government; it would primarily affect county circuit courts that would deal with lawsuits filed by eligible employees against their employers.

Legislative Analyst: E. Best
Fiscal Analyst: Jan Wisniewski

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.