

House Bill 831

By: Representatives Smyre of the 135<sup>th</sup>, Scott of the 76<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Smith of the 134<sup>th</sup>, Abrams of the 89<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 3 of Chapter 2 of Title 38 of the Official Code of Georgia  
2 Annotated, relating to rights, privileges, and prohibitions for certain military personnel, so  
3 as to require that private employers reemploy certain members of any reserve component of  
4 the armed forces of the United States who have been discharged or suspended from  
5 employment by his or her employer due to being called into active state service; to provide  
6 a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and cited as the "Protecting Guardsmen's Employment Act."

10 **SECTION 2.**

11 Part 4 of Article 3 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated,  
12 relating to rights, privileges, and prohibitions for certain military personnel, is amended by  
13 revising subsection (d) of Code Section 38-2-280, relating to reemployment in private  
14 industry, various types of absences, injunction to compel, and Attorney General's aid, as  
15 follows:

16 "(d) The benefits, rights, and privileges granted to persons in the military service by this  
17 Code section shall be extended to and be applicable to any person who is a member of the  
18 Georgia National Guard or a member of any other reserve component of the armed forces  
19 of the United States and who is called into active state service ~~pursuant to~~ by the  
20 commander-in-chief of such force for a purpose identified in subsection (a) or (b) of Code  
21 Section 38-2-6 or Code Section 38-2-6.1 and who because of such active state service is  
22 discharged by his or her employer or whose employment is suspended by his or her  
23 employer because of such active state service and who, being qualified to perform the  
24 duties of the position, makes application for reemployment or termination of the period of  
25 his or her suspension within ten days after such discharge or suspension. In the event that

26 the member of the Georgia National Guard or a member of any other reserve component  
27 of the armed forces of the United States is serving in active state service at the time of  
28 receipt of notice of the discharge or suspension the aforesaid ten-day period within which  
29 application must be made shall not commence to run until the day next following the date  
30 of termination of such active state service."

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.