

House Bill 831 (COMMITTEE SUBSTITUTE)

By: Representatives Smyre of the 135th, Scott of the 76th, Hitchens of the 161st, Smith of the 134th, Abrams of the 89th, 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 the National Guard of
4 another state who have been discharged or suspended from employment by his or her
5 employer due to being called into active state service; to provide a short title; to provide for
6 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 and who is called into active state service pursuant to by the
commander-in-chief of such force for a purpose identified in subsection (a) or (b) of Code
20 Section 38-2-6 or Code Section 38-2-6.1 or who has been called to state-sponsored active
21 duty as part of the National Guard of another state by that state's Governor, and who
22 because of such active state service is discharged by his or her employer or whose
23 employment is suspended by his or her employer because of such active state service and
24 who, being qualified to perform the duties of the position, makes application for
25 reemployment or termination of the period of his or her suspension within ten days after

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

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SECTION 3.

32 All laws and parts of laws in conflict with this Act are repealed.