

SENATE BILL NO. 118

BY SENATORS BARHAM, CHEEK, CRAVINS, LENTINI, MURRAY AND NEVERS AND REPRESENTATIVES ALARIO, ALEXANDER, ARNOLD, BALDONE, BARROW, BAYLOR, BURNS, BURRELL, CRANE, CROWE, DAMICO, DARTEZ, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, GLOVER, E. GUILLORY, HEBERT, HILL, HONEY, HUNTER, JEFFERSON, KATZ, KENNARD, KENNEY, KLECKLEY, LAMBERT, LANCASTER, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, PIERRE, PINAC, PITRE, T. POWELL, M. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, JACK SMITH, GARY SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 29:406(A) and (C) and 410(A)(introductory paragraph) and
3 (A)(3), (E)(1)(introductory paragraph), (E)(1)(c) and (d), (E)(2)(a), (E)(3), and
4 (F)(1)(introductory paragraph), and (I), and to enact R.S. 29:410(E)(4), relative to
5 the Military Service Relief Act; to provide with respect to certain rights for
6 employees who are in the uniformed services and called to active duty and who wish
7 to return to positions of employment held prior to active duty service; to provide
8 with respect to notification and accrual and entitlement to vacation leave; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 29:406(A) and (C) and 410(A)(introductory paragraph) and (A)(3),
12 (E)(1)(introductory paragraph), (E)(1)(c) and (d), (E)(2)(a), (E)(3), and (F)(1)(introductory
13 paragraph), and (I), are hereby amended and reenacted and R.S. 29:410(E)(4) is hereby
14 enacted to read as follows:

15 §406. Leave status

16 A. Any employee who leaves employment in order to perform service in the
17 uniformed services shall be treated as being on military leave of absence during the
18 period of service in the uniformed services, provided that he ~~applies for~~

1 reemployment notifies the employer in writing of the intent to return to, a
2 position of employment in accordance with R.S. 29:410.

3 * * *

4 C. The employee shall continue to accrue sick leave, annual leave, vacation
5 leave, or military leave, holiday pay, and any paid leave, offered by the employer,
6 pursuant to the employer's stated leave of absence policy which would have
7 accrued if continuously employed. ~~on the same basis as he would have accrued~~
8 ~~such leave during the period of service in the uniformed services.~~

9 * * *

10 §410. Right of reinstatement to former employment

11 A. Any person who is absent from a position of employment by reason of
12 service in the uniformed services shall be entitled to the reemployment rights and
13 benefits and other employment benefits of this Part, within ten days ~~of application~~
14 ~~for reemployment,~~ if all of the following conditions are met:

15 * * *

16 (3) Except as provided in Subsection F, the person ~~reports to, or submits an~~
17 ~~application for reemployment to,~~ notifies the employer in writing of the intent to
18 return to a position of employment ~~such employer~~ in accordance with the
19 provisions of Subsection E.

20 * * *

21 E.(1) Subject to Paragraph (2), a person referred to in Subsection A shall,
22 upon the completion of a period of service in the uniformed services, notify the
23 employer referred to in such Subsection of the person's intent to return to a position
24 of employment with such employer as follows:

25 * * *

26 (c) In the case of a person whose period of service in the uniformed services
27 was for more than thirty days but less than one hundred eighty-one days, ~~by~~
28 ~~submitting an application for reemployment~~ by notifying the employer in writing
29 of the intent to return to a position of employment with the employer not later
30 than fourteen days after the completion of the period of service or if submitting such

1 ~~application~~ **written notice** within such period is impossible or unreasonable through
 2 no fault of the person, the next first full calendar day when submission of such
 3 ~~application~~ **written notice** becomes possible.

4 (d) In the case of a person whose period of service in the uniformed services
 5 was for more than one hundred eighty days, by ~~submitting an application for~~
 6 reemployment **notifying the employer in writing of the intent to return to a**
 7 **position of employment** with the employer not later than ninety days after the
 8 completion of the period of service.

9 (2)(a) A person who is hospitalized for, or convalescing from, an illness or
 10 injury incurred in, or aggravated during, the performance of service in the uniformed
 11 services shall, at the end of the period that is necessary for the person to recover from
 12 such illness or injury, report to the person's employer (in the case of a person
 13 described in Subparagraph (a) or (b) of Paragraph (1)) or submit ~~an application for~~
 14 reemployment with **written notice to** such employer (in the case of a person
 15 described in Subparagraph (c) or (d) of such Paragraph). Except as provided in
 16 Subparagraph (b), such period of recovery may not exceed two years.

17 * * *

18 (3) A person who fails to ~~report or apply for employment or reemployment~~
 19 **submit written notice of the intent to return to a position of employment** within
 20 the appropriate period specified in this Subsection shall not automatically forfeit
 21 such person's entitlement to the rights and benefits referred to in Subsection A but
 22 shall be subject to the conduct rules, established policy, and general practices of the
 23 employer pertaining to explanations and discipline with respect to absence from
 24 scheduled work.

25 **(4) Nothing in this Subsection E shall restrict an employer's right to**
 26 **condition reemployment on its policies and procedures applicable to employees**
 27 **returning from leave, provided such policies and procedures are not in conflict**
 28 **with this and the other provisions of the Military Service Relief Act.**

29 F.(1) A person who submits ~~an application for reemployment~~ **written notice**
 30 in accordance with Subparagraph (c) or (d) of Paragraph E(1) or (2) shall provide to

1 the person's employer (upon the request of such employer) documentation to
2 establish the following:

3 * * *

4 I. Any employee; who ~~applies for reemployment~~ **submits written notice of**
5 **the intent to return to a position of employment** in accordance with the provisions
6 of this law, shall be entitled to complete any training program that was applicable to
7 his former position of employment during his period of service in the uniformed
8 services.

9 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____