

Regular Session, 2013

HOUSE BILL NO. 583

BY REPRESENTATIVE COX

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

EMPLOYMENT: Prohibits employers from terminating employment of a veteran for attending medical appointments necessary for veterans benefits

1 AN ACT

2 To enact R.S. 23:331, relative to veterans; to provide with respect to employment  
3 discrimination; to provide for protection for veterans to attend necessary medical  
4 appointments; to provide definitions; to provide penalties; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:331 is hereby enacted to read as follows:

8 §331. Veterans

9 A. It shall be unlawful discrimination in employment to discharge, otherwise  
10 discipline, threaten to discharge, or threaten to discipline any veteran for taking time  
11 away from work to attend medical appointments necessary to meet the requirements  
12 to receive his veterans benefits.

13 B. The veteran shall verify his attendance of the medical appointment, if  
14 requested by his employer, by presenting a bill, receipt, or excuse from the medical  
15 provider.

16 C. If a veteran is discharged, disciplined, or has received a threat of  
17 discharge or discipline for attending medical appointments as provided in this  
18 Section, he may take legal action pursuant to R.S. 29:38(D).

1           D. For purposes of this Section, "veteran" shall mean any honorably  
 2           discharged veteran of the armed forces of the United States including reserved  
 3           components of the armed forces, the Army National Guard and the Air National  
 4           Guard, the commissioned corps of the Public Health Service, and any other category  
 5           of persons designated by the president in time of war or emergency.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Cox

HB No. 583

**Abstract:** Prohibits the termination of a veteran from employment for attending necessary medical appointments.

Present law prohibits discrimination in employment.

Proposed law provides that employers shall not discriminate against veterans who must attend medical appointments necessary to receive his veterans benefits.

Proposed law provides that upon demand by the employer, the veteran shall submit proof of attendance of the medical appointment by producing a bill, receipt, or excuse from the provider.

Proposed law provides that if an employer violates the provisions of proposed law, the veteran may bring a suit in district court as provided in present law (R.S. 29:38(D)).

Present law (R.S. 29:38) provides for the reemployment of veterans and provides remedies (R.S. 29:38(D)), which, in the event an employer fails to afford a veteran the employment rights to which he is entitled, the veteran may institute mandamus proceedings in district court.

Present law further provides that the veteran may be entitled to lost wages or other benefits.

Proposed law defines "veteran" as any honorably discharged veteran of the armed forces of the U.S. including the reserves, National Guard, the commissioned corps of the Public Health Service, and any other category of persons designated by the president in time of war or emergency.

(Adds R.S. 23:331)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill.

1. Provides that a veteran may bring suit for discrimination pursuant to the procedure in the military, naval, and veterans affairs reemployment statute, R.S. 29:38.