

2016 -- H 8037

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE

Introduced By: Representatives Malik, and Azzinaro

Date Introduced: April 06, 2016

Referred To: House Veterans` Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-11-3 of the General Laws in Chapter 30-11 entitled  
2 "Employment Rights of Members of Armed Forces" is hereby amended to read as follows:

3 **30-11-3. Restoration of national guard member to employment.** -- (a) Any person  
4 who is a duly qualified member of the ~~Rhode Island~~ national guard [of this state or any other state](#)  
5 who, in order to perform any military service he or she may be called upon to perform by proper  
6 authority, leaves a position, other than a temporary position, in the employ of an employer, who  
7 shall give evidence of the satisfactory completion of that training, and who is still qualified to  
8 perform the duties of that position, shall be entitled to be restored to his or her previous or a  
9 similar position in the same status, pay, and seniority, and this period of absence for military  
10 training shall be construed as an absence with leave and without pay.

11 (b) In addition to the provisions provided in this section, all National Guard members on  
12 state active duty shall be entitled to the rights, protections, privileges, and immunities offered  
13 under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA),  
14 Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 [38 U.S.C. § 4301 et  
15 seq.].

16 SECTION 2. Chapter 30-21 of the General Laws entitled "Employment of Veterans" is  
17 hereby amended by adding thereto the following section:

18 **30-21-14. Preference in private employment.** -- (a) [A private employer may adopt an](#)  
19 [employment policy that provides a preference in hiring or promotion, or both, to a veteran.](#)

- 1           (b) A policy adopted under this section shall be:
- 2           (1) In writing; and
- 3           (2) Uniformly applied to employment decisions regarding hiring and promotion.
- 4           (c) A private employer may require that a veteran submit a Department of Defense DD
- 5 Form 214 or similar documentation of separation from the U.S. Armed Forces to be eligible for a
- 6 preference in hiring or promotion pursuant to this section.
- 7           (d) As used in this section, "veteran" means an individual that served on active duty in the
- 8 U.S. Armed Forces and received an honorable or general discharge.
- 9           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would extend the rehiring preference afforded National Guard members called to  
2 active duty to members of the National Guard of other states employed in Rhode Island. It would  
3 also permit private employers to adopt a veteran preference policy in hiring.

4           This act would take effect upon passage.

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