

House Bill 831 (AS PASSED HOUSE AND SENATE)

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 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  
19 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."

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.