



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4796 (as passed by the House)  
Sponsor: Representative Ray A. Franz  
House Committee: Military and Veterans Affairs  
Senate Committee: Veterans, Military Affairs and Homeland Security

Date Completed: 4-28-16

### **CONTENT**

**The bill would amend Public Act 133 of 1955, which provides job protections for employees who pursue military service and for the reemployment of employees after military service, to add references to the military or naval forces or the Governor of any other state in provisions dealing with the prohibited discharge of an employee, an employee's request for a leave of absence, the reemployment of a person after a period of military service, and the definition of "active service".**

The bill would take effect 90 days after enactment.

#### Discharge Prohibition

The Act prohibits an employer, or an officer or agent of a corporation, company, or firm, from discharging a person from employment because he or she is, or performs his or her duty as, an officer or enlisted member of the State's military or naval forces. The bill would refer to the military or naval forces of this State or any other state.

#### Request for Leave of Absence

Under the Act, an employer may not deny an employee's request for a leave of absence for any of the following purpose:

- Being inducted or entering into active service, active State service, or the service of the United States.
- Determining his or her physical fitness to enter the service.
- Performing service as an officer or enlisted member of the military or naval forces of this State or the United States in active State service or under Title 10 (Armed Forces) or Title 32 (National Guard) of the U.S. Code.

In the last item, the bill would refer to the military or naval forces of this State, any other state, or the United States.

#### Reemployment

Under the Act, an employee must be reemployed if he or she reports to work or applies to the employer for reemployment within 45 days following release from service, release from duty, or rejection. Reemployment is required if the employee reports to work or applies within 90 days, if his or her service was for more than 180 days.

The Act provides that an employee is not entitled to reemployment, however, if he or she has an uninterrupted period of service that exceeds five years, but also specifies conditions that are not included in a period of service. Those conditions include any service performed by a member in active service, active State service, or U.S. service, if the service member is ordered to or retained on that service other than for training, because of a war or national emergency declared by the President, Congress, or the Governor. The bill would refer to the Governor of this State or any other state.

### Definitions

"Service" means active service, active State service, or in the service of the United States.

"Active service" means service, including active State service or special duty required by law, regulation, or pursuant to order of the Governor, and includes continuing service of an active member of the National Guard and the defense force in fulfilling that active member's commission, appointment, or enlistment. The bill would refer to an order of the Governor of this State or any other state.

"Active state service", as applied to the National Guard and the defense force, means military service in support of civil authorities, at the request of local authorities, including support in the enforcement of laws prohibiting the importation, sale, delivery, possession, or use of a controlled substance, if ordered by the Governor or as otherwise provided in the Act.

MCL 32.272 & 32.273

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and could have a negative, though likely minor, fiscal impact on local governments. A violation of Public Act 133 of 1955 is a misdemeanor. An increase in misdemeanor arrests and convictions could increase resource demands on local court systems, law enforcement, and jails. Any associated increase in fine revenue would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.