AN ACT

Relating to the employment rights of employees in the state who are members of the National Guard of another state, territory, or district of the United States.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to the employment rights of employees in the state who are members of the National Guard of another state, territory, or district of the United States.

* Section 1. AS 26.05.075(a) is amended to read:

(a) An employer shall grant a leave of absence to an employee who is

(1) a member of the organized militia [A LEAVE OF ABSENCE] to perform active state service under AS 26.05.070; or

(2) a resident of the state and a member of the National Guard of another state to perform active National Guard service under a law of that state.

* Sec. 2. AS 26.05.075(b) is amended to read:

(b) When an employee is released from a period of active state service under AS 26.05.070 or active National Guard service under the law of another state, or discharged from hospitalization that arose from that active [STATE] service, the employee is entitled to return to the employee's former position, or a comparable
position, at the pay, seniority, and benefit level the employee would have had if the
employee had not been absent as a result of that active [STATE] service. An
employee, other than an employee who has been hospitalized, shall report for work at
the beginning of the workday following the last calendar day necessary to travel from
the site of active state service, or active National Guard service in another state, to
the employee's work site. An employee who has been hospitalized shall report for
work at the beginning of the workday following the last calendar day necessary to
travel from the hospital or place of recuperation to the employee's work site. If the
employee fails to return to work at that time, the employer may impose whatever
discipline is provided by the employer's rules of conduct for unexcused absence from
work.

* Sec. 3. AS 26.05.075 is amended by adding new subsections to read:

(h) An employee is not entitled to return to the employee's former position, or
a comparable position, at the pay, seniority, and benefit level the employee would
have had if

(1) the employer's circumstances have changed, making employment
impossible or unreasonable; or

(2) employment would impose an undue hardship on the employer.

(i) In this section, "state" has the meaning given in AS 01.10.060.