

**CS FOR HOUSE BILL NO. 3(MLV)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 2/3/17

Referred: State Affairs

Sponsor(s): REPRESENTATIVES TUCK, LeDoux, Spohnholz

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the employment rights of employees in the state who are members of**  
2 **the National Guard of another state, territory, or district of the United States."**

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

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

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

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

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

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

11 (b) When an employee is released from a period of active state service under  
12 AS 26.05.070 **or active National Guard service under the law of another state,** or  
13 discharged from hospitalization that arose from **that** active [STATE] service, the  
14 employee is entitled to return to the employee's former position, or a comparable

1 position, at the pay, seniority, and benefit level the employee would have had if the  
2 employee had not been absent as a result of active state service **or National Guard**  
3 **service in another state**. An employee, other than an employee who has been  
4 hospitalized, shall report for work at the beginning of the workday following the last  
5 calendar day necessary to travel from the site of active state service, **or National**  
6 **Guard service in another state**, to the employee's work site. An employee who has  
7 been hospitalized shall report for work at the beginning of the workday following the  
8 last calendar day necessary to travel from the hospital or place of recuperation to the  
9 employee's work site. If the employee fails to return to work at that time, the employer  
10 may impose whatever discipline is provided by the employer's rules of conduct for  
11 unexcused absence from work.

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

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

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

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

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