

**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, Kreiss-Tomkins, Gara, Fansler, Kawasaki, Josephson, Kopp, Tarr, Tilton**

**A BILL**

**FOR AN ACT ENTITLED**

**"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:**

**\* 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 active state service or National Guard service in another state. 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 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.