SENATE STATE ADMIN.
EXHIBIT NO. 2
DATE 1.10.05
BILL NO. SB118

MT DEPARTMENT OF MILITARY AFFAIRS INFORMATION SHEET
SB 118
A BILL FOR AN ACT AMENDING TITLE 10, MCA, ESTABLISHING "THE MONTANA MILITARY SERVICE EMPLOYMENT RIGHTS ACT"

INTENT

To establish the "Montana Military Service Employment Rights Act" (the "Act"). The Act provides employment and reemployment protections for those members of the Montana organized militia, or federal reserves, when they are not covered by the federal "Uniformed Services Employment and Reemployment Rights Act of 1994", 38 U.S.C. 4301,.et seq. or other applicable federal laws.

The Act prohibits an employer from denying employment, reemployment, reinstatement, retention, promotion, or any benefit of employment because of a person's membership or potential application for membership in the state organized militia. The Act entitles a member to an unpaid leave of absence to perform state active duty. The Act also enumerates reemployment rights of members to return to employment without loss of specified benefits (ex. seniority, status, pay, pension and health insurance).

The Act provides for up to 15 days of paid leave for public employees who are called to military service as part of the state organized militia or federal reserves. The Act also clarifies and updates military leave provisions relating to elected and public officials. These provisions include restoration to office and how an acting elected official will be appointed when the primary office holder is away on a military leave of absence.

The Act provides expanded and meaningful enforcement of its protections by specifying complaint procedures, informal resolution, and court remedies. The Act enumerates the duties and powers of the Montana Department of Labor and Industry and the Montana State Attorney General to enforce the Act. The Act also provides for rule making authority to enable the MT Department of Labor and Industry and the Attorney General's Office to carry out enforcement responsibilities.

Lastly, the Act updates military leave provisions related to disqualification for unemployment insurance benefits and repeals those sections of Title 10, which have either become outdated or will be superseded by the Act.

CONCLUSION

The "Montana Military Service Employment Rights Act" updates and clarifies employment protections for those members who serve in the Montana organized militia or the federal reserves. SB 118 was drafted in consultation with the Department of Labor and Industry and the Montana Attorney General's Office, both of which will play key roles in the enforcement of the Act's rights and protections.

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