

FIRST REGULAR SESSION

HOUSE BILL NO. 1447

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE IRWIN.

3089H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 40.490, RSMo, and to enact in lieu thereof one new section relating to rights of military servicemembers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 40.490, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 40.490, to read as follows:

40.490. **1. Members of the state military forces of this state who are ordered to active state duty by the governor, any Missouri employee who is a member of the National Guard of another state and who is called into active state duty by the governor of that state, or any member of any reserve component of the Armed Forces of the United States who is called to active duty shall, upon being relieved from such duty, be entitled to the same reemployment rights provided by Title 38 of the United States Code, the Revised Statutes of Missouri, and all amendments thereto. The attorney general shall enforce the reemployment rights contained in this section for members of the state military forces who are ordered to active state duty by the governor.**

2. Members of the Missouri National Guard who are called to active state duty by the governor and any Missouri employees who are members of the National Guard of another state and are called to active state duty by the governor of that state shall, upon being relieved from such duty, be entitled to all rights and protections provided by the Servicemembers Civil Relief Act, 50 U.S.C. Section 3901 et seq., and all amendments thereto.

3. The department of labor and industrial relations shall make available the following notice that every employer shall post in a conspicuous place in each

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **employment establishment: "If you are in the National Guard, you have certain**
19 **protected employment and reemployment rights, rights to freedom from discrimination,**
20 **and the right to civil relief under federal laws 38 U.S.C. 4301 et seq. (USERRA) and 50**
21 **U.S.C. 3901 et seq. (SCRA) and under section 40.490, RSMo. If you feel that you have**
22 **been discriminated against or denied these rights because of your service in the National**
23 **Guard, contact the Missouri committee of the Employer Support of the Guard and**
24 **Reserve (ESGR) at 573-638-9625."**

25 **4. Any member of the Missouri National Guard and any Missouri employee who**
26 **is a member of the National Guard of another state may bring suit in any court of**
27 **competent jurisdiction and appropriate venue if such individual believes that his or her**
28 **rights under this section have been violated. The attorney general may also bring suit**
29 **against an employer who violates the provisions of this section.**

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