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HOUSE BILL 83

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Debbie A. Rodella

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

AN ACT

RELATING TO THE NATIONAL GUARD; PROVIDING EMPLOYMENT PROTECTION  
FOR NATIONAL GUARD MEMBERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 28-15-1 NMSA 1978 (being Laws 1941,  
Chapter 10, Section 1, as amended) is amended to read:

"28-15-1. REEMPLOYMENT OF PERSONS IN ARMED FORCES.--Any  
person who, since July 1, 1940, has left or leaves a position  
[he] the person has held, other than a temporary position, in  
the employ of any employer to enter the armed forces of the  
United States, [~~national guard or~~] an organized reserve or the  
national guard of this state or any other state or territory of  
the United States and who serves on active duty and is  
honorably discharged or released from active duty to complete  
[his] the person's remaining service in a reserve component or

underscoring material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 is entitled to a certificate of service, or who terminates  
2 [his] service without dishonor if an officer, and is still  
3 qualified to perform the duties of [~~such~~] that position and  
4 makes application for reemployment within ninety days after  
5 [he] the person is relieved from [~~such~~] training and service,  
6 or from hospitalization continuing after discharge for a period  
7 of not more than one year, shall be reemployed as follows:

8 A. if the person's position was in the employ of a  
9 private employer, the employer shall restore [him] the person  
10 to [~~such~~] that position or to a position of like seniority,  
11 status and pay unless the employer's circumstances have so  
12 changed as to make it impossible or unreasonable to do so; or

13 B. if the person's position was in the employ of  
14 the state [~~of New Mexico~~] or any political subdivision thereof,  
15 [he] the person shall be deemed to meet all the requirements of  
16 the Personnel Act as well as all residency requirements or  
17 other provisions of law and shall be restored to [~~such~~] that  
18 position or to a position of like seniority, status and pay."

19 SECTION 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2017.