

LEGISLATIVE BILL 753

Approved by the Governor March 09, 2016

Introduced by Crawford, 45; Bloomfield, 17; Craighead, 6; Garrett, 3; Hansen, 26; Hilkemann, 4; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-161, Reissue Revised Statutes of Nebraska; to change provisions relating to absence from employment for military purposes; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 55-161, Reissue Revised Statutes of Nebraska, is amended to read:

55-161 (1) The parts of the federal Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Chapter 43, listed in subdivisions (a) through (j) of this subsection or any other parts referred to by such parts, in existence and effective as of January 1, 2001, are adopted as Nebraska law. This section shall be applicable to all persons employed in the State of Nebraska and shall include all officers and permanent employees, including teachers employed on a one-year contract basis and elected officials, of the state or of any of its agencies or political subdivisions. The Legislature hereby adopts:

- (a) Section 4301(a) – Purposes;
- (b) Section 4302 – Relation to other law and plans or agreements;
- (c) Section 4303(2),(4),(7) through (13),(15), and (16) and those portions of subparagraph (3) not relating to employment in a foreign country – Definitions;
- (d) Section 4304 – Character of service;
- (e) Section 4311 – Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited;
- (f) Section 4312 – Reemployment rights of persons who serve in the uniformed services;
- (g) Section 4313 with the exception of that portion of subparagraph (a) dealing with reemployment of federal employees – Reemployment positions;
- (h) Section 4316 – Rights, benefits, and obligations of persons absent from employment for service in a uniformed service;
- (i) Section 4317 – Health plans; and
- (j) Section 4318 – Employee pension benefit plans.

(2) This section applies to all members performing duty in active service of the state and to any person employed in Nebraska who is a member of the National Guard of another state and who is called into active service by the Governor of that state.

(3) The proper appointing authority or employer may make a temporary appointment to fill any vacancy created by the absence of an officer or employee pursuant to this section. Such officer or employee shall not be discharged from his or her former or new position without justifiable cause within one year after reinstatement.

(4) The Commissioner of Labor shall enforce this section.

(5) The Adjutant General shall perform duties assigned to the Secretary of Defense, Secretary of Veterans Affairs, or Secretary of Labor in the portions of 38 U.S.C. Chapter 43 adopted under this section.

Sec. 2. Original section 55-161, Reissue Revised Statutes of Nebraska, is repealed.