

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 155
HOUSE BILL 401

AN ACT TO PROVIDE RE-EMPLOYMENT RIGHTS TO MEMBERS OF THE NORTH
CAROLINA NATIONAL GUARD CALLED TO PERIODS OF STATE DUTY.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Chapter 127A to read as follows:
"ARTICLE 16.

"National Guard Re-employment Rights.

"§ 127A-196. **Entitlement.** — Any member of the North Carolina National Guard who, at the direction of the Governor, enters State duty, is entitled, upon honorable release from State duty, to all the re-employment rights provided for in this Article.

"§ 127A-197. **Rights.** — Upon release from State duty, the employee shall make written application to his previous employer for re-employment within five days of his release from duty or from hospitalization continuing after release. If the employee is still qualified for his previous employment, he shall be restored to his previous position or to a position of like seniority, status and salary, unless the employer's circumstances now make the restoration unreasonable. If the employee is no longer qualified for his previous employment, he shall be placed in another position, for which he is qualified, and which will give him appropriate seniority, status and salary, unless the employer's circumstances now make the placement unreasonable.

"§ 127A-198. **Penalties for denial.** — If any employer, public or private, fails or refuses to comply with G.S. 127A-197, the Superior Court for the district of the employer's place of business may, upon the filing of a motion, petition, or other appropriate pleading by the employee, require the employer to comply with G.S. 127A-197 and to compensate the employee for any loss of wages or benefits suffered by reason of the employer's unlawful failure or refusal."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1979.