

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 484

BY SENATORS ROMANO, LEONHARDT, PLYMALE AND

KESSLER

[Originating in the Committee on Military; reported on

February 11, 2016]

1 A BILL to amend and reenact §15-1F-8 of the Code of West Virginia, 1931, as amended, relating
2 to the reemployment rights of military personnel.

Be it enacted by the Legislature of West Virginia:

1 That §15-1F-8 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.

§15-1F-8. Reemployment rights of members of the organized militia.

1 Members of the organized militia in the active service of the state or another state shall be
2 entitled to the same reemployment rights granted to members of the reserve components of the
3 Armed Forces of the United States by applicable federal law, including rights protected by the
4 Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as
5 amended, 38 U.S.C. §§ 4301-4334. A violation of this section shall also create a state cause of
6 action to enforce the rights and remedies of USERRA.

NOTE: The purpose of this bill is to protect the reemployment rights of military personnel in this state or another state, and to specifically reference USERRA.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.