

## **BILL ANALYSIS**

Senate Research Center  
77R974 BDH-D

S.B. 1140  
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As Filed

### **DIGEST AND PURPOSE**

Under federal law, any person whose absence from his or her permanent position of employment is necessitated by reason of service in the uniformed services is entitled to reemployment rights and benefits at the same position upon his or her return from service. The purpose of this law is to expand and clarify the right of an employee returning from uniformed service to the employee benefits offered by the veteran's employer as well as the right to reemployment and any retraining needed to requalify for the position for which the law makes the veteran eligible. Texas law also contains a reemployment provision; however, it makes no mention of whether the employee or the employer has the burden of proving that the employee was wrongfully rejected for reemployment. As proposed, S.B. 1140 amends the Government Code to provide that an employer who does not reemploy a permanent employee called for duty in the state military forces, because of a change in the employer's circumstances, has the burden of proving the impossibility or unreasonableness of reemploying the employee under the employer's changed circumstances.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 431.006, Government Code, to provide that the private employer of a member of the state military forces has the burden of proving the impossibility or unreasonableness of reemploying the employee under the employer's changed circumstances. Prohibits an employer from delaying or attempting to defeat a reemployment obligation under this section by demanding documentation that does not exist or is not readily available at the time notice is given under this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.