

1 AN ACT
2 RELATING TO THE NATIONAL GUARD; PROVIDING EMPLOYMENT
3 PROTECTION FOR NATIONAL GUARD MEMBERS.
4

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

6 SECTION 1. Section 20-4-7.1 NMSA 1978 (being Laws 2004,
7 Chapter 37, Section 1) is amended to read:

8 "20-4-7.1. SERVICEMEMBERS CIVIL RELIEF ACT
9 BENEFITS--UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT
10 RIGHTS ACT--FEDERAL OR STATE ACTIVE DUTY.--

11 A. The rights, benefits and protections of the
12 federal Servicemembers Civil Relief Act shall apply to a
13 member of the national guard of this state or any other state
14 or territory of the United States ordered to state active
15 duty for a period of thirty or more consecutive state duty
16 days or to any federally funded duty performed in an
17 operational role for homeland security in accordance with 32
18 U.S.C. 502. The federally funded duty is in addition to and
19 different from any federally funded unit training, assembly
20 or drill pursuant to Section 20-4-7 NMSA 1978.

21 B. The rights, benefits and protections of the
22 federal Uniformed Services Employment and Reemployment Rights
23 Act of 1994 shall apply to a member of the national guard of
24 this state or any other state or territory of the United
25 States ordered to federal or state active duty."

1 private employer, the employer shall restore the person to
2 that position or to a position of like seniority, status and
3 pay unless the employer's circumstances have so changed as to
4 make it impossible or unreasonable to do so; or

5 B. if the person's position was in the employ of
6 the state or any political subdivision thereof, the person
7 shall be deemed to meet all the requirements of the Personnel
8 Act as well as all residency requirements or other provisions
9 of law and shall be restored to that position or to a
10 position of like seniority, status and pay."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2017. _____

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