

By: Representatives Henley, Barnett, Sykes,  
Mickens

To: Military Affairs

HOUSE BILL NO. 1062  
(As Passed the House)

1 AN ACT TO AMEND SECTION 33-1-21, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT ALL OFFICERS AND EMPLOYEES OF ANY PUBLIC OR PRIVATE  
3 BUSINESS OR INDUSTRY WHO ARE ACTIVE MEMBERS OF THE MILITARY SHALL  
4 BE ENTITLED TO MILITARY LEAVE OF ABSENCE FROM THEIR RESPECTIVE  
5 CIVIL DUTIES AND OCCUPATIONS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 33-1-21, Mississippi Code of 1972, is  
8 amended as follows:

9 33-1-21. ( \* \* \*1) All officers and employees of any  
10 department, agency, or institution of the State of Mississippi, or  
11 of any county, municipality, or other political subdivision, or  
12 employees of any public or private business or industry, who \* \* \*  
13 are members of any of the reserve components of the Armed Forces  
14 of the United States, members of the National Disaster Medical  
15 System, or former members of the service of the United States  
16 discharged or released therefrom under conditions other than  
17 dishonorable, shall be entitled to leave of absence from their  
18 respective duties, without loss of rank of pay, time, annual  
19 leave, or efficiency rating, on all days during which they shall



20 be ordered to duty to participate in training at encampments,  
21 field exercises, maneuvers, outdoor target practice, or for other  
22 exercises, for periods not to exceed fifteen (15) days, and all  
23 such officers and employees shall for such periods in excess of  
24 fifteen (15) days, be entitled to leave of absence from their  
25 respective duties without loss of time, annual leave, or  
26 efficiency rating until relieved from duty, and shall when  
27 relieved from such duty, be restored to the positions held by them  
28 when ordered to duty, or a position of like seniority, status and  
29 pay; provided that such person: ( \* \* \*a) when discharged or  
30 released from the Armed Forces shall have received a certificate  
31 of satisfactory completion of service, ( \* \* \*b) shall be still  
32 qualified to perform the duties of such position, and ( \* \* \*c)  
33 shall make application for re-employment within ninety (90) days  
34 after the passage of this chapter or within ninety (90) days after  
35 such person is relieved from such training and service or released  
36 from hospitalization for a period of not more than one (1) year  
37 for causes attributable to such services. Any person restored to  
38 a position under the above provisions shall not be discharged from  
39 such position without cause within one (1) year after restoration.  
40 The fact that there has been a change of administration affecting  
41 any position with the State of Mississippi, or any county, city,  
42 town, political subdivision, or any state institution thereof, or  
43 any public or private business or industry, shall in no manner  
44 affect or deny to such person his former position, and regardless



of any limitation on the number of employees, such person shall be re-employed except in cases of "changed circumstances," "brief nonrecurrent positions," and/or "undue hardship" as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994, providing employers exemptions in the aforementioned cases. The provisions of this section do not apply to any officer elected by the vote of the electors of the state, county, municipality, or political subdivisions, when the statutory or constitutional term of the office has expired upon the discharge of such person from military service, but this section does grant re-employment rights to all other officers and employees of the State of Mississippi, or \* \* \* any county, municipality, or political subdivision, or any public or private business or industry, when ordered to military duty.

( \* \* \*2) In the event the persons referred to in the foregoing subsection are not reinstated, as therein required, upon application by any such person to the county attorney of the county in which he was employed, or to the district attorney of the district in which he was employed, such attorney applied to shall act as the attorney for such person and shall institute such action as may be necessary to enforce compliance with the provisions of said subsection, and no fees or court costs shall be taxed against the person applying for benefits thereunder.

( \* \* \*3) Insofar as any of the provisions of this section are inconsistent with the provisions of any other law, the



70 provisions of this section shall be considered controlling, and  
71 any other acts or parts of acts in conflict herewith are hereby  
72 repealed insofar as they are in conflict with this section.

73       **SECTION 2.** This act shall take effect and be in force from  
74 and after July 1, 2017.

