

By: Representatives Henley, Hale

To: Military Affairs

HOUSE BILL NO. 1117

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 pay, time, annual leave, or
19 efficiency rating, on all days during which they shall be ordered



20 to duty to participate in training at encampments, field
21 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



45 of any limitation on the number of employees, such person shall be
46 re-employed. The provisions of this section do not apply to any
47 officer elected by the vote of the electors of the state, county,
48 municipality, or political subdivisions, when the statutory or
49 constitutional term of the office has expired upon the discharge
50 of such person from military service, but this section does grant
51 re-employment rights to all other officers and employees of the
52 State of Mississippi, or * * * any county, municipality, or
53 political subdivision, or any public or private business or
54 industry, when ordered to military duty.

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

64 (* * *3) Insofar as any of the provisions of this section
65 are inconsistent with the provisions of any other law, the
66 provisions of this section shall be considered controlling, and
67 any other acts or parts of acts in conflict herewith are hereby
68 repealed insofar as they are in conflict with this section.



69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2016.

