

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 253

An Act to amend and reenact § 44-93.3 of the Code of Virginia, relating to reemployment rights of members of the Virginia National Guard, Virginia State Defense Force, or naval militia.

[S 349]

Approved April 8, 2010

Be it enacted by the General Assembly of Virginia:

1. That § 44-93.3 of the Code of Virginia is amended and reenacted as follows:

§ 44-93.3. Reemployment rights.

Upon honorable release from state active duty or military duty pursuant to Title 32 of the United States Code, a member of the Virginia National Guard, Virginia State Defense Force or naval militia shall make written application to his previous employer for reemployment within *(i) 14 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services does not exceed 180 days or (ii) 90 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services exceeds 180 days.* When released from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay if the position exists, or to a comparable vacant position for which they are qualified, unless to do so would be unreasonable. This section shall not apply when the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services exceeds five years.