



DoD-State Liaison Office

**OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
(MILITARY COMMUNITY AND FAMILY POLICY)**

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

**Michigan Senate Committee for Veterans, Military Affairs, and Homeland Security
Testimony on MI HB 4796
by Jim Rickel**

Honorable Chair and committee members, thank you for the opportunity to provide written testimony and seek your support of House Bill 4796 sponsored by Representative Franz. Also, thanks to Representative Franz for his continued support of our military families as indicated by sponsoring HB 4796.

My name is Jim Rickel, I am the Department of Defense (DoD) Regional State Liaison for the Central region, working for the Deputy Assistant Secretary of Defense for Military Community and Family Policy. As I am unable to attend this hearing, please accept this written input.

Employment protections during state-sponsored activation became a new key quality of life issue for the Department of Defense State Liaison Office in 2015. Currently, 24 other states already do what we are seeking, 8 others have pending legislation, Michigan being one of those 8 states. Neighboring states that have passed legislation include Indiana, Illinois, Wisconsin, West Virginia, North and South Dakota. We really appreciate your consideration in joining these other states on this initiative.

As you are aware, the National Guard is a hybrid state-federal entity. While National Guard members are subject to federal call-up by the President of the United States, they can also be called-up for state active duty by the Governor of Michigan and other state Governors to respond to state emergencies such as fires, tornadoes and floods.

A federal law called the Uniformed Services Employment and Reemployment Rights Act (USERRA) protects members of the Army or Air National Guard when they are away from their civilian jobs for federal service under title 10 or title 32 of the United States Code.

However, USERRA does not apply when a National Guard member must leave their job for state active duty. If National Guard members are to have reemployment rights after state active duty, it must be by state law.



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Michigan has such a law that applies to public and private employees but it is explicitly limited to members of the Michigan Army or Air National Guard.

The reemployment of a member of the National Guard of another state who has a civilian job in Michigan is currently not protected.

HB 4796 will correct this current deficiency by including members of the National Guard of any other states.

This bill will help ensure that people who work in Michigan but are assigned to other state National Guard will have reemployment rights to their Michigan job after completing any state active duty.

This bill will also provide an effective enforcement mechanism through private right of action in the event the Guard member believes their Michigan employer has denied their right for reemployment after state service while assigned to the Michigan National Guard.

Michigan HB 4796 will help ensure that Guardsmen called by a governor for state active duty to complete various critical duties -- regardless of where they originate -- will have reemployment rights to their Michigan civilian jobs.

I again want to thank Representative Franz for sponsoring this measure. Thank you for taking up this issue, and for your consideration.

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