

CHAPTER 212.

[H. B. 507.]

VETERANS' REEMPLOYMENT RIGHTS.

AN ACT relating to veterans' reemployment rights; adding six new sections to chapter 73.16, RCW, and repealing sections 73.16.030, 73.16.040, 73.16.050, and 73.16.060, RCW.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

As used in this act the term: Definitions.

"Resident" means any person residing in the state. "Resident."

"Position of employment" means any position (other than temporary) wherein a person is engaged for a private employer, company, corporation, state, municipality, or political subdivision thereof. "Position of employment."

"Temporary position" means a position of short duration which, after being vacated, ceases to exist and wherein the employee has been advised as to its temporary nature prior to his engagement. "Temporary position."

"Employer" means the person, firm, corporation, state and any political subdivision thereof, or public official currently having control over the position which has been vacated. "Employer."

"Rejectee" means a person rejected because he is not, physically or otherwise, qualified to enter the service. "Rejectee."

SEC. 2. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

Any person who is a resident of this state and who voluntarily or upon demand, vacates a position of employment to determine his physical fitness to enter, or, who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States, or the United States public health service, shall, provided he meets the requirements of section 3 of this act, be reem- Reemployment required.

Exceptions.

ployed forthwith: *Provided*, That the employer need not reemploy such person if circumstances have so changed as to make it impossible, unreasonable, or against the public interest for him to do so: *Provided further*, That this section shall not apply to a temporary position.

Temporary positions.

Status on re-employment.

If such person is still qualified to perform the duties of his former position, he shall be restored to that position or to a position of like seniority, status and pay. If he is not so qualified as a result of disability sustained during his service, or during the determination of his fitness for service, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he shall be reemployed in such other position: *Provided*, That such position shall provide him with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case.

Disabled applicants.

New section.

SEC. 3. Chapter 73.16, RCW, shall contain a new section to read as follows:

Eligibility requirements; procedure.

In order to be eligible for the benefits of this act, an applicant must comply with the following requirements:

Proof of satisfactory service or rejection.

(1) He must furnish a receipt of an honorable discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his service. Rejectees must furnish proof of orders for examination and rejection.

Written application.

(2) He must make written application to the employer or his representative within ninety days of the date of his separation or release from training and service. Rejectees must apply within thirty days from date of rejection.

Hospitalized applicants.

(3) If, due to the necessity of hospitalization, while on active duty, he is released or placed on inactive duty and remains hospitalized, he is eligible for the benefits of this act: *Provided*, That such hos-

pitalization does not continue for more than one year from date of such release or inactive status: *Provided further*, That he applies for his former position within ninety days after discharge from such hospitalization.

SEC. 4. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

When any elective officer of this state or any political subdivision thereof, including any judicial officer, shall enter upon active service or training as provided in the foregoing sections, the proper officer, board or other agency, which would ordinarily be authorized to grant leave of absence or fill a vacancy created by the death or resignation of the elective official so ordered to such service, shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for herein shall operate to extend the term for which the occupant of any elective position shall have been elected. Elective officers.

SEC. 5. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

Any person who is entitled to be restored to a position in accordance with the provisions of the preceding sections shall be considered as having been on furlough or leave of absence, from his position of employment, during his period of active military duty or service, and he shall be so restored without loss of seniority. He shall further be entitled to participate in insurance, vacations, retirement pay and other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into the service; and he shall not be discharged from such position without cause within one year Status on re-employment; seniority.

Insurance, vacations, retirement pay, etc.

Discharge.

Payment on insurance or retirement during military service.

after restoration: *Provided*, That no employer shall be required to make any payment to keep insurance or retirement rights current during such period of military service.

New section.

SEC. 6. Chapter 73.16, RCW, shall contain a new section to read as follows:

Enforcement of act.

In case any employer, his successor or successors fails or refuses to comply with the provisions of this act, the prosecuting attorney of the county in which the employer is located shall bring action in the superior court to obtain an order to specifically require such employer to comply with the provisions hereof, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act. Any such person who does not desire the services of the prosecuting attorney may, by private counsel, bring such action.

Repealing clause.

SEC. 7. Section 73.16.030, RCW, as derived from section 1, chapter 201, Laws of 1941, as last amended by section 1, chapter 274, Laws of 1943; section 73.16.040, RCW, as derived from section 2, chapter 201, Laws of 1941; section 73.16.050, RCW, as derived from section 3, chapter 201, Laws of 1941; and section 73.16.060, RCW, as derived from section 4, chapter 201, Laws of 1941, are repealed.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.