

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates a new section of employment law, prohibiting a prospective employer from inquiring, whether verbally or in writing, whether a job applicant is a member of the National Guard or Reserves.

The bill also does not make it illegal to discriminate based on National Guard or Reserve status - it only prohibits asking about it.

Background on Federal Law:

The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 U.S.C. 4301 *et seq.*) provides a wide variety of protections relating to employment interests of service members. Its protections apply to members of the National Guard and Reserves, as well as to persons entering, serving in or separating from active service.

Section 4311(a) provides protections against discrimination in hiring. It prohibits adverse employment actions - in hiring, reemployment, retention in employment, promotion or any benefit of employment - by an employer if the action is motivated even in part by a consideration of the employee's military service.

However, federal law does not prohibit an employer from inquiring about an applicant's past, present or future intended military status.

See: <http://uscode.house.gov/usc.htm> (and specify title 38, section 4311)