

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

House Bill 292

(Chairman, Economic Matters Committee)  
(By Request – Departmental – Military)

Economic Matters

Education, Health, and Environmental  
Affairs

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**Maryland Military Department - Maryland Defense Force Employment  
Protection**

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This departmental bill extends the protections of the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA) to members of the Maryland Defense Force (MDF) who may be called to active duty.

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**Fiscal Summary**

**State Effect:** The bill's provisions would not materially impact State finances.

**Local Effect:** The bill's provisions would not materially impact local government finances.

**Small Business Effect:** The Military Department has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** The protections of SSCRA and USERRA are available to members of the National Guard who may be called to active duty.

**Background:** There are 245 MDF members. The Military Department advises that MDF members are not afforded any employment protection when recalled to active duty service. MDF would be called upon during the State's response to natural or manmade disasters and this void in protection may result in members being forced to restrict their availability to State service as a result of their civilian employment. MDF consists of personnel with medical and legal expertise and clergy who provide "surge" capacity during emergency responses.

SSCRA becomes effective when members of the Maryland National Guard are ordered to military duty for 14 days or longer under the auspices of the Public Safety Article, or Title 10 or Title 32 of the U.S. Code. SSCRA grants certain financial relief and provides for civil protections to military personnel, who have been ordered to active duty. Among the benefits afforded by SSCRA include an interest rate cap of 6% under certain circumstances while an individual is on active duty. In some instances, courts may grant a stay of proceedings, and SSCRA gives limited mortgage foreclosure protection to active-duty members.

USERRA becomes effective when members of the Maryland National Guard are ordered to military duty for any period of time under the auspices of the Public Safety Article, or Title 10 or Title 32 of the U.S. Code. USERRA provides certain protections, such as reemployment protection, for individuals who leave positions for active duty. According to a U.S. Department of Labor notification for State and private-sector employers, a member has the right to be reemployed in his/her civilian job if he/she leaves that job to perform service in the uniformed services. The member (1) must ensure that his/her employer receives advance written or verbal notice of the service; (2) has five years or less of cumulative service in the uniformed services while with that particular employer; (3) returns to work or applies for reemployment in a timely manner after the service is concluded; and (4) has not been separated from service with a disqualifying discharge or under other than honorable conditions. If the member is eligible to be reemployed, the member must be restored to the job and benefits the members would have attained if he/she had not been absent due to military service or, in some cases, a comparable job.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Military Department, Department of Veterans Affairs, Department of Budget and Management, U.S. Department of Defense, U.S. Department of Labor, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2006  
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