

(1) *In the case of any such person who, in order to perform such active duty or training, has left or leaves a position (other than a temporary position) in the employ of any employer, including the State of Maryland or any political subdivision thereof, and who applies or makes application for re-employment within thirty days after being relieved from such duty or training—*

(i) *If still qualified to perform the duties of such position, shall be restored by the employer or his successor in interest to such position, or to a position of like seniority, status, and pay; or*

(ii) *If not qualified to perform the duties of such position by reason of disability sustained during the active duty or training, but if qualified to perform the duties of any other position in the employment of the employer or his successor in interest to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in each case, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.*

(2) *It is the sense and intent of the General Assembly that any person who is restored to a position in accordance with the provisions of this section should be restored in such manner as to give him the status in his employment that he would have enjoyed if he had continued in such employment continuously from the time of his entering upon the active duty or training until the time of his restoration to the civilian employment.*

(3) *In case any private employer fails or refuses to comply with the provisions of this section, the circuit court of the county, or of Baltimore City, as the case may be, wherein the private employer maintains a place of business, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of this section, may require the employer to comply with the provisions of this section and to compensate such person for any loss of wages or benefits suffered by reason of the employer's unlawful action; provided that no fees or court costs shall be taxed against any person who may apply for such benefits, and provided further that only the employer shall be deemed a necessary party respondent to any such action.*

SEC. 2. *And be it further enacted, That this Act shall take effect June 1, 1964.*

Approved April 7, 1964.

CHAPTER 21

(Senate Bill 44)

AN ACT to add new Section 182B to Article 77 of the Annotated Code of Maryland (1957 Edition and 1963 Supplement), title "Public Education", sub-title "Chapter 16. Public Libraries", to follow immediately after Section 182A thereof, establishing an incentive fund for certain public libraries to pay for debt service and/or capital outlay expenditures on a pay-as-you-go basis.