

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 18B(d)(2).

The references to "relief" from active duty are substituted for the former reference to a "release" to conform with the terminology in former Art. 64A, § 18B(b)(3)(ii), revised as § 11-203(c) of this subtitle.

As to the use of the term "reinstatement", see § 1-101(k) of this article and its accompanying Revisor's Note.

Defined term: "Returning veteran" § 11-201

11-205. RIGHT TO REINSTATEMENT.

(A) IN GENERAL.

A RETURNING VETERAN WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE SHALL BE REINSTATED:

(1) TO THE CLASS PREVIOUSLY HELD BY THE RETURNING VETERAN WITHIN THE PRINCIPAL DEPARTMENT OR OTHER INDEPENDENT UNIT IN WHICH THE RETURNING VETERAN HAD BEEN EMPLOYED; OR

(2) TO A POSITION OF EQUAL RESPONSIBILITIES, QUALIFICATIONS, AND RATE OF PAY.

(B) WHEN VETERAN IS DISABLED.

IF, BECAUSE OF A DISABILITY SUSTAINED DURING MILITARY SERVICE, A RETURNING VETERAN IS NOT QUALIFIED TO PERFORM THE DUTIES OF THE POSITION THAT THE VETERAN PREVIOUSLY HELD, THE RETURNING VETERAN SHALL BE REINSTATED TO A POSITION THAT:

(1) HAS DUTIES THAT THE VETERAN IS QUALIFIED TO PERFORM; AND

(2) PROVIDES THE RATE OF PAY, SENIORITY, AND STATUS THAT ARE THE SAME AS OR AS SIMILAR AS THE CIRCUMSTANCES OF THE CASE ALLOW TO THOSE OF THE POSITION PREVIOUSLY HELD BY THE VETERAN.

(C) WHEN STATE'S CIRCUMSTANCES ARE CHANGED.

SUBSECTIONS (A) AND (B) OF THIS SECTION NEED NOT BE IMPLEMENTED IF THE CIRCUMSTANCES IN STATE GOVERNMENT HAVE CHANGED TO THE EXTENT THAT IMPLEMENTATION IS IMPOSSIBLE OR UNREASONABLE.

REVISOR'S NOTE: This section formerly was Art. 64A, § 18B(c).

In subsection (a)(1) of this section, the phrase "principal department or other independent unit" is substituted for the former reference to "department" for clarity.

The only changes are in style.