of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his rejection or release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that 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 his case.

"(5) For the purposes of paragraphs (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive duty training performed by that member under section 502 of title 32, or section 301 of title 37, United States Code, is considered inactive duty training."

70A Stat. 596.

63 Stat. 826.

SEC. 2. Section 262(f) of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013(f)), is repealed.

69 Stat. 600.

SEC. 3. This Act shall take effect upon the expiration of sixty days from the date of its enactment.

Effective date.

Approved July 12, 1960.

Public Law 86-633

July 12, 1960
[H. R. 12200]

AN ACT

To amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter VIII of chapter 47 of title 10, United States Code, is amended as follows:

Armed Forces.
70A Stat. 57.
10 USC 858.

(1) By adding the following new section at the end thereof:

"§ 858a. Art. 58a. Sentences: reduction in enlisted grade upon approval

"(a) Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a court-martial sentence of an enlisted member in a pay grade above E–1, as approved by the convening authority, that includes—

"(1) a dishonorable or bad-conduct discharge;

"(2) confinement; or

"(3) hard labor without confinement;

reduces that member to pay grade E–1, effective on the date of that approval.

"(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or disapproved, or, as finally approved, does not include any punishment named in subsection (a) (1), (2), or (3), the rights and privileges of which he was deprived because of that reduction shall be restored to him and he is entitled to the pay and allowances to which he would have been entitled, for the period the reduction was in effect, had he not been so reduced."

(2) By adding the following new item at the end of the analysis:

"858a. 58a. Sentences: reduction in enlisted grade upon approval."

Approved July 12, 1960.

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