

Public Law 86-632

AN ACT

To amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

July 12, 1960
[H. R. 5040]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 459), is amended as follows:

Universal Military Training and Service Act, amendment.
65 Stat. 86.

(1) By inserting in paragraph (2) of subsection (g) the words "and other than for training" after the words "physical fitness" in the parenthetical phrase thereof.

(2) By amending paragraph (3) of subsection (g) to read as follows:

"(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851 and the following)."

Reemployment rights.

(3) By adding the following new paragraphs at the end of subsection (g):

58 Stat. 387

"(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall upon request be granted a leave of absence by his employer for the period required to report for the purpose of being inducted into, entering, determining his physical fitness to enter, or performing active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his rejection, or upon his discharge from hospitalization incident to that training or rejection, such employee shall be permitted to return to his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of rejection or training to the place of employment following his rejection or release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absences from scheduled work. If that employee is hospitalized incident to active duty for training, inactive duty training, or rejection, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place

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."

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

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

Approved July 12, 1960.

Public Law 86-633

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:

(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.

70A Stat. 596.

63 Stat. 826.

69 Stat. 600.

Effective date.

July 12, 1960
[H. R. 12200]

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