

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 209

By: Simpson

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5
6 AS INTRODUCED

7 An Act relating to the employment of Soldiers and
8 Sailors; amending 44 O.S. 2011, Section 208, which
relates to discrimination of National Guard members;
9 adding participants to list of protected persons;
specifying employers included in act, amending 44
10 O.S. 2011, Section 208.1, which relates to employment
and reemployment of soldiers and sailors; expanding
11 protections to certain service members; granting
protection for service members performing civil
12 protection duty; allowing for court assessment of
fees in civil procedures; and providing an effective
13 date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 44 O.S. 2011, Section 208, is
17 amended to read as follows:

18 Section 208. A. No person shall discriminate against any
19 officer or enlisted member of the National Guard because of his or
20 her membership therein. No person shall prohibit or refuse entrance
21 to any officer or enlisted member of the United States Armed Forces,
22 or of the military forces of this state, or members of the armed
23 forces of any other states including, without limitation to, the
24 National Guard, a reserve component of the armed forces or the

1 state's militia, into any public entertainment or place of amusement
2 because such officer or enlisted member is wearing a uniform of the
3 organization to which he or she belongs.

4 B. No employer, officer or agent of any corporation, company,
5 firm or other person, shall discharge any person from employment
6 because of being an officer, warrant officer or enlisted member of
7 the military forces of the state, or members of the armed forces of
8 any other states including, without limitation to, the National
9 Guard, a reserve component of the armed forces or the state's
10 militia or hinder or prevent him or her from performing any military
11 service he or she may be called upon to perform by proper authority,
12 in respect to his or her employment, trade or business.

13 C. Any person violating any of the provisions of this section,
14 shall be punished by a fine of not to exceed One Hundred Dollars
15 (\$100.00), or by imprisonment in the county jail for a period of not
16 to exceed thirty (30) days, or by both such fine and imprisonment.

17 D. This statute applies to the State of Oklahoma, any of its
18 departments, boards, commissions, agencies, political subdivisions,
19 and to any private employer.

20 SECTION 2. AMENDATORY 44 O.S. 2011, Section 208.1, is
21 amended to read as follows:

22 Section 208.1. A. The following provisions of federal law
23 shall be adopted as state law and applied to members of the Oklahoma
24 National Guard, and members of the armed forces of any other state,

1 including, without limitation to, the National Guard, a reserve
2 component of the armed forces or the state's militia, when such
3 members are ordered to state active duty or full-time National Guard
4 duty under Sections 501 through 507 of Title 32 of the United States
5 Code:

6 1. The Servicemembers Civil Relief Act of 2003 (SCRA), codified
7 at 50 U.S.C. App., Section 501 et seq., which updates, renames, and
8 replaces the Soldiers' and Sailors' Civil Relief Act of 1940; and

9 2. The Uniformed Services Employment and Reemployment Rights
10 Act (USERRA), Sections 4301 through 4333 of Title 38 of the United
11 States Code.

12 B. Any person who is called to such duty as listed in this
13 statute and is a member of the armed forces of any other state,
14 including, without limitation to, the National Guard, a reserve
15 component of the armed forces or the state's militia, is afforded
16 such employment and reemployment rights, privileges, benefits, and
17 protections in employment as though that person had been called to
18 active duty in the service of the United States and shall not be
19 denied hiring, retention in employment, promotion or other incidents
20 or advantages of employment because of any obligation as a member of
21 the armed forces.

22 C. In any civil action to enforce the provisions of this
23 section, the prevailing party may be allowed a reasonable attorney
24 fee to be assessed by the court and collected as costs.

1 D. This statute applies to the State of Oklahoma, any of its
2 departments, boards, commissions, agencies, political subdivisions,
3 and to any private employer.

4 SECTION 3. This act shall become effective November 1, 2015.

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