

Prepare for Workers to Be Deployed: Four Things That All Oregon Employers Need to Know about Military Leave

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Many Oregon employers may soon need a crash course on military leave: the largest deployment of Oregon National Guard troops since Sept. 11, 2001 is scheduled to take place in May. Since military family members also have important employment rights, it is not a stretch to conclude that more than 10,000 Oregon workers will be protected by new and expanded employment laws in the next 12 months alone. Therefore, all employers should be aware of these four basic tenets:

1. Do not discriminate. Under the federal Uniformed Services employment and Reemployment Rights Act (USERRA), those workers who are serving or have served in the military are considered a "protected class."
2. You must reinstate. USERRA also requires that employers keep open most jobs left vacant by departing military employees and reinstate the employees to those jobs upon their return.
3. You must offer family leave. The Family and Medical Leave Act (FMLA) includes protections for military personnel and their family. A new category of leave - "Military Caregiver Leave" - went into effect in 2008.
4. You must accommodate emergencies. In January a new law took effect that provides for "Qualifying Exigency Leave" for service members and their families. There are eight categories of exigencies that would qualify for leave.

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