

Protection For Those Who Protect Us

Insights

5.10.05

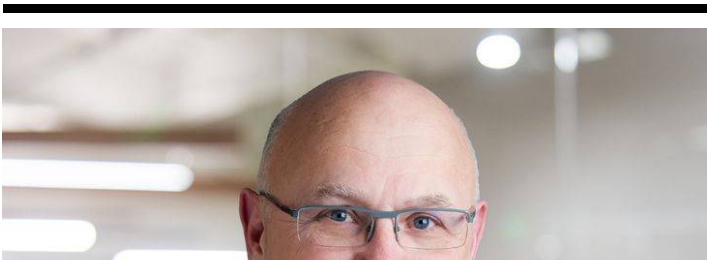
Under the Veterans Benefits Improvement Act (VBIA), employers now are required to give specific notice to their uniformed service member employees of their rights under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). USERRA was enacted in 1994, after the Persian Gulf War, to expand the rights of employees returning to work from uniformed service, which in many cases entitles them to jobs with their pre-service employers, complete with all the seniority, status, pay and benefits they would have accrued had they never left. Employees returning from service also have additional protections related to termination of employment. Proposed regulations related to USERRA currently are under review.

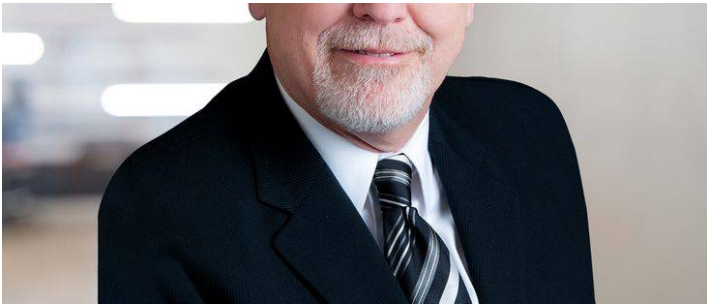
Virtually all employers are covered by USERRA but until now employers had no specific obligation to notify employees of these rights. The USERRA notice requirement is met by a conspicuous posting in the same place in which other employee notices are customarily posted. For most employers, this notice would ultimately become part of the composite posting currently utilized to comply with existing federal notice requirements. Employers may access the DOL’s “Your Rights Under USERRA” poster at www.dol.gov/vets/programs/userra.

VBIA also extended the “COBRA-like” continuation of health care coverage for uniformed service member employees for up to the length of their uniformed service or 24 months, whichever comes first. Previously under USERRA, service members were entitled to continued coverage for the first 18 months of military leave under any employer-sponsored plan.

Employers should carefully consider decisions relating to requests for leave related to military obligations and reinstatement of returning military personnel. A Colorado court recently awarded nearly \$400,000 to an employee terminated in a reduction in force shortly after returning from active duty.

Related People





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