

Uniformed Services Employment and Reemployment Rights Act

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Last December, Congress passed a law adding additional requirements to the Uniformed Services Employment and Reemployment Rights Act (commonly known as "USERRA"). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. The law also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services.

One of the requirements of the December 2004 amendments to USERRA is that employers must provide employees entering military service with a notice of their rights, benefits and obligations under USERRA. This notice requirement was effective March 10, 2005. On that date, the Department of Labor issued a model notice in the form of a poster. The notice should be posted in the locations where employers typically place notices to employees. Alternatively, the notice can be provided by hand-delivery, mail or e-mail.

Since the deadline for posting the notice has already passed, employers should print and post the Department of Labor's model notice as soon as possible. The Department of Labor's press release describing the poster, a link to a web page from which the poster can be downloaded, as well as additional information about USERRA can be found at www.dol.gov/vets/programs/userra/.

Please contact a member of the Benefits Law Group of Holland & Hart LLP if you would like assistance in understanding and meeting your obligations to your employees serving in the military.

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