

### Action Alert

## Do you have an Employee Returning from Active Service? Labor Issues New Regulations on Reemployment Rights of America's Soldiers

Employers should be aware of new regulations clarifying the rights of service members returning to civilian life. Due to an increase in complaints from service members, the U.S. Department of Labor issued new regulations on Monday, Dec. 19 that interpret the law that protects employment and reemployment rights and benefits of service members upon their return to civilian life. This is the first time since its passage in 1994 that the Department of Labor has developed regulations to explain and clarify the Uniformed Services Employment and Reemployment Act (USERRA). Since Sept. 11, 2001, almost 530,000 citizen soldiers have been mobilized, and more than 390,000 of these National Guard and Reserve members have been demobilized.

The new regulations, drafted in a question-and-answer format, explain how USERRA protects against discrimination and retaliation because of military service; prevents service members from suffering disadvantages due to performance of their military obligations, and affords them ample time to report back to jobs following completion of their service obligations. The regulations also cover the protections afforded to disabled veterans. "Our citizen soldiers put themselves in harm's way to defend our freedoms, and now it's our turn to be there for them," said Secretary of Labor Elaine L. Chao upon the release of the new rules. "These regulations provide comprehensive guidance on USERRA, which works to preserve the seniority, promotion, health care, pension and other benefits of our citizen soldiers when they return home to the jobs they left to serve our country."

For more information on USERRA go to: <http://www.dol.gov/vets/programs/userra/>. The department also announced the publication of the final version of the notice it provides employers for use in informing employees of their rights, benefits and obligations under USERRA. The notice, downloadable posters containing the notice, and the new regulations can be accessed at [www.dol.gov/vets](http://www.dol.gov/vets).

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