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Practice Areas

Labor, Employment and
Employee Benefits

Ask The Expert - Mass High Tech

What are employers' responsibilities under USERRA?

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The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) assures that employees who serve our country do not suffer in their employment. To help employers understand the law, the U.S. Department of Labor issued regulations in December 2005. USERRA applies to all employers and equally protects employees who enlist or are called up to serve in the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service, National Guard and reserves.

The law specifies the employer's obligations to employees before, during and after his/her absence. These include: reinstating an employee to the position and pay rate as if that person had worked, funding that person's pension and allowing that person to make contributions upon return to work. The law also limits the employer's right to discharge a person for certain periods after reinstatement.

The U.S. Department of Labor Web site can provide some guidance on the law at www.dol.gov/vets.

Additional information for this attorney
may be found on our website.