

Employment Notes

ALERT



December 2005

EMPLOYMENT LAW ALERT

Pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”), the United States Department of Labor released final rules on December 19, 2005, specifying how employers must bring returning service members, including veterans, reservists and National Guard members back to the pay and benefits levels they would have attained had they not been called away on military duty. The rules go into effect January 18, 2006.

Generally, employers are required to reinstate returning service members within two weeks after they apply for re-employment. Additionally, the returning service members must receive the same seniority, status, and pay they would have attained if they had remained continuously employed. Employers should also note that they are required to give notice of these rules to any employee entitled to rights and benefits under the law.

For additional information you can use the following websites:

<http://www.dol.gov/vets/> and <http://www.dol.gov/elaws/userra.htm>

Text of the final rules on USERRA are available on the Department of Labor Web site at http://www.dol.gov/vets/regs/fedreg/final/USERRA_Final_Rule.pdf.

The final rule on the USERRA notice requirement is at http://www.dol.gov/vets/programs/userra/Final_USERRA_Poster.pdf.

If you would like additional information concerning these new rules or any other employment issues, please contact Andrew W. Singer (singer@thshlaw.com) at Tannenbaum Helpern Syracuse & Hirschtritt LLP.