

LEGISLATIVE UPDATE

Presented by:

David B. Lichtenberg, Esq.
SHRM Morris County Legislative Chair
Jackson Lewis LLP
Morristown, NJ office
(973) 538-6890 (phone)
(973) 539-7626 (fax)
lichtend@jacksonlewis.com

Department of Labor Drafts Interpretive Regulations Regarding USERRA

The U.S. Department of Labor has drafted proposed regulations interpreting the Uniformed Services Employment and Reemployment Act of 1994 (USERRA). The law is intended to safeguard the employment rights and benefits of service members upon their return to civilian life. The 60-day comment period ended November 19, 2004, and the regulations will now continue through the regulatory process.

This action by the DOL is the first time regulations have been developed to help enforce USERRA since passage of the law in 1994. It is the latest in a series of proactive steps taken to ensure job security for the largest group of mobilized National Guard and Reserve service members since World War II. To date, more than 420,000 citizen-soldiers have been mobilized since September 11, 2001.

The DOL has consulted with the Department of Defense, and has proposed the regulations to provide guidance to employers and employees concerning their rights and obligations under USERRA. The regulations have been drafted in plain language, and are set forth in a question and answer format explaining how USERRA protects against discrimination and retaliation because of military service. They also explain USERRA's role in protecting members from being disadvantaged due to performance of military obligations and in timing their return to work following completion of their service obligations. Please contact David B. Lichtenberg, Esq. (contact information above) to obtain a copy of the proposed regulations, or visit the DOL's website.