

THE INSIDE PERSPECTIVE

LABOR AND EMPLOYMENT LAW SOLUTIONS FOR EXECUTIVES AND HR PROFESSIONALS



SMITH MOORE LLP
ATTORNEYS AT LAW

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Greater Protection for Our Troops On the Work Front

The Uniformed Services Employment and Reemployment Rights Act (“USERRA”) provides employees, who are also members of the uniformed services, with certain rights pertaining to reemployment, promotion, seniority, retention, and continuation of healthcare and pension benefits. Those rights have now been expanded. Effective December 10, 2004, the Veterans Benefits Improvement Act provides additional rights to employees covered under USERRA. This new act includes requirements with which all employers must comply regarding employee notices and health care coverage.

New Notice Requirement. The new act will require employers to provide employees with notice of their rights, benefits and obligations under USERRA. The notice will be sufficient if it is:

- Posted where other employee notices are posted;
- Posted by no later than March 10, 2005; and
- Contains language that the Secretary of Labor will make available to employers some time prior to the March 10th deadline. (See www.dol.gov/vets or call 1-866-4-USA-DOL)

Extended Health Care Coverage. The new act requires that the maximum coverage period for employer-sponsored health care plans be extended from 18 to 24 months. This requirement applies to all continuation elections made after December 10, 2004.

Practical Steps To Comply With USERRA’s New Provisions. To ensure compliance with the new USERRA regulations, employers should:

- **Monitor** the DOL website for the posting of the USERRA notice language, and then post the notice in the appropriate location.
- **Consider** also providing a copy of the notice directly to each covered employee and having that employee sign an acknowledgment that he/she received it.
- **Ensure** that continued health care coverage, if elected after December 10, 2004, is available to covered employees for 24 months, rather than 18 months.

TIP

Remember: Always err on the side of caution when dealing with USERRA-related issues. Unlike other anti-discrimination laws, the burden of proof is on the employer to establish that it complied with USERRA in regard to benefits, employment, reemployment, retention, promotions and other rights.



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The firm restricts its practice in the labor and employment area to the representation of management.



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