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Do IDF Reservists Have Reemployment Rights Under USERRA?

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Some Reservists serving in the Israeli Defense Force (IDF) are employed in the United States. Some of these American employees were called to active duty when Israel took recent military action against Hezbollah terrorists.

Is the U.S. employer required to grant military leave to an employee who is called to active duty in the IDF? No. The Uniformed Services Employment and Reemployment Rights Act (USERRA) accords reemployment rights to a person who leaves civilian employment to serve in the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, or Public Health Service. Persons serving in the armed forces of Israel or any other nation do not have rights under USERRA.

U.S. employers are under no legal obligation to reemploy individuals returning from service in the IDF, but they should do so if they see those IDF Reservists as allies in the Global War on Terrorism. Support should include protecting the civilian jobs of IDF Reservists who are called to the colors (their colors, not ours, but an integral part of the greater cause).

About 90 years ago, brave and idealistic young Americans traveled to Europe to serve in the nascent air forces of Great Britain and France, and helped those countries survive until the United States entered the war in 1917 and turned the tide from defeat to victory. Remember the Lafayette Escadrille!

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