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Employers Required to Notify Employees of USERRA Rights

By CAPT Samuel F. Wright, JAGC, USNR*

Go to any employee break room at any company in this country, and you will see legal notices prominently posted. The employer promises to pay at least the minimum wage and to pay time-and-a-half for hours worked beyond 40 in a week. The employer promises to provide a safe and healthful workplace and to protect employees from sexual harassment. The employer promises to grant time off for the birth or adoption of a child or for the illness of an employee or a member of the employee's family, in accordance with the Family Medical Leave Act. You will see several more notices required by various federal laws.

Until now, you have not seen any notice of rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA), because that law did not require the posting of notices. However, that changed recently. In late 2004, Congress amended USERRA by enacting a new final section, section 4334, entitled "Notice of rights and duties." "Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and employers under this chapter. The requirement for the provision of notice under this chapter may be met by the posting of the notice where employers customarily place notices for employees." [38 U.S.C. 4334(a).]

The secretary of labor is required to formulate the wording of the notice and to provide it to employers by March 2005. You may see a new notice in your employee break room as early as this month.

* Military title used for purposes of identification only. The views expressed herein are the personal views of the authors and should not be attributed to the U.S. Marine Corps, the Department of the Navy, the Department of Defense, or the U.S. government. The best way to reach Captain Wright is by e-mail, at samwright50@yahoo.com.