

Legal Protections Help Reservist to Civilian Jobs

After the attacks of Sept. 11, 2001, more than 85,000 Reservists were recalled to active duty. Now, eleven months later, many of these Reservists are being demobilized and heading home. They are welcomed back by families and friends, but many are left wondering how their employers will receive their return.

Many Reservists, including those who have served for several years, are unaware of their legal rights when it comes to their civilian employment and military service. In order to alleviate concerns, many Reserve Centers have incorporated seminars on this subject into their indoctrination classes.

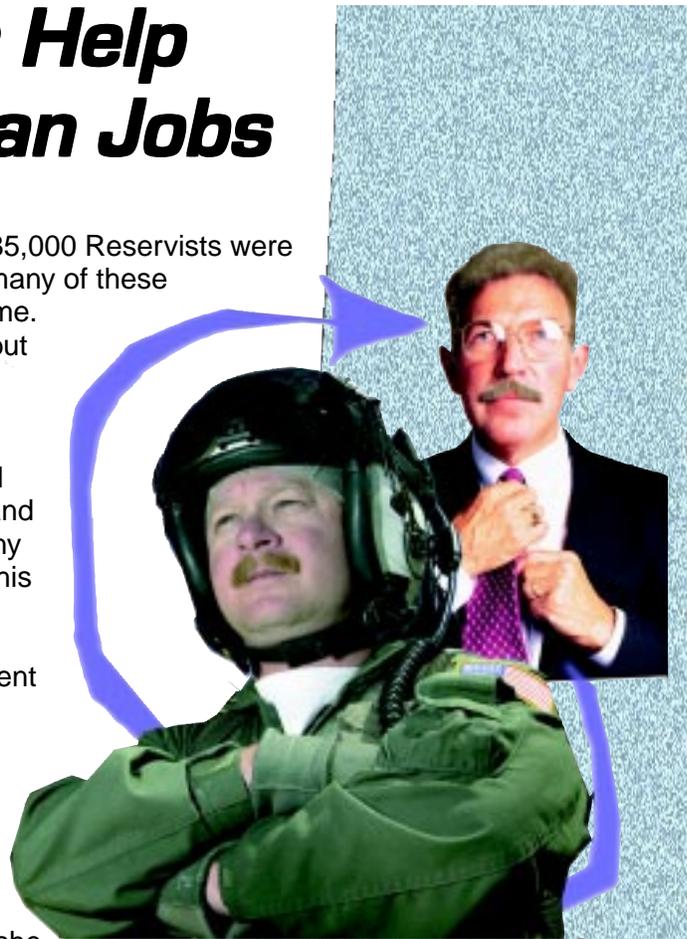
The law that protects service members, the Uniformed Services Employment and Reemployment Act (USERRA), was enacted into law in 1994.

USERRA ensures that service members are promptly reinstated in their civilian jobs and are treated for seniority and pension purposes as if they had never left. Additionally, it prohibits discrimination against those who are serving and those who have served. Just as a potential employer is barred from asking a young woman if she intends on having children, USERRA provides that employers cannot discriminate because of an employee's intent to either join or stay in military service.

USERRA also protects returning service members from being fired upon their return from active duty. If the active duty service is less than 31 days, there is no specific protection. But if the service was more than 31 days but less than 180 days, you are protected for 180 days against arbitrary dismissal except for just cause. If the service extends beyond 180 days (up to the five year limit), the law protects you for one year against unreasonable dismissal.

The Veterans' Employment and Training Service in the U.S. Department of Labor, which oversees and investigates complaints and violations, handle enforcement of USERRA. A list of agents who can initiate and investigation can be found on the agency's Web site at www.dol.gov/dol.

Additionally, an organization within the Department of Defense called the National Committee for Employer Support of the Guard and Reserve (www.esgr.org or 1-800-336-4590) works with employers and Reservists to both resolve disputes and promote a stronger relationship between employers and the military.



Captain's Call Kit
Naval Media Center, Bldg. 168
2713 Mitscher Rd., SW
Anacostia Annex, DC 20373-5819
E-mail: pubs@mediacen.navy.mil
DSN 288- or (202) 433-4380
Fax: (202) 433-4747



www.news.navy.mil