

DOL ISSUES USERRA NOTICE – REQUIREMENT IN EFFECT FOR EMPLOYERS

President Bush signed the Veterans Benefits Improvement Act of 2004 into law late last year, which among other things, imposes a new notice requirement on employers. That is, employers must provide a notice of employees' rights under USERRA, including the right of employees and their dependents to continue employer-provided health coverage for up to 24 months while on active military duty. The notice requirement may be satisfied by posting it where other notices are customarily posted. The DOL has now issued an interim final rule containing model text for this notice and has provided a notice suitable for posting. The notice requirement is now in effect.

BACKGROUND

The Uniformed Services Employment and Reemployment Rights Act (USERRA) governs employment issues with respect to employees who have or will be called to active military service. The Veterans Benefits Improvement Act of 2004 (VBIA) requires employers to provide those who are eligible for rights and benefits under USERRA with a notice of those rights, benefits and obligations under the law. The law specifies that this notice requirement may be satisfied by posting a notice where other required notices are customarily posted.

It should also be noted that VBIA extended the period for which COBRA-like employer health continuation coverage must be offered to employees called to military service and their dependents from 18 months to 24 months.

DOL NOTICE

VBIA required the Secretary of Labor to provide the text of the required notice within 90 days of VBIA's enactment (i.e., by March 10, 2005). The DOL issued an interim final rule containing the text, as well as a notice suitable for posting, on March 10, 2005.

Now that the DOL has provided the text, the notice requirement is in effect. The DOL notice containing the rights of employees under USERRA is available for downloading by clicking on:

<http://www.dol.gov/vets/programs/userra/poster.pdf>

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