

***What are our obligations to employees who are serving in the National Guard?***

The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) provides reemployment rights to employees who are called up to perform military service. Reemployment rights and benefits are required under federal law if:

- advanced written or oral notice is provided to the employer;
- the cumulative length of absence does not exceed five years; and
- the employee submits an application for reemployment in accordance with the Act. 38 U.S.C. § 4312(c).

Similarly, under state law, employees must be granted leave with or without pay for military service, and, if still qualified to perform the duties, must be reinstated with the same “status, pay, and seniority, including seniority that accrued during the period of absence.” 21 V.S.A. § 491. Such protections are in addition to any protections afforded by the family and medical leave laws and other state and federal laws.

*- Dominic Cloud, Director, VLCT Municipal Assistance Center*

*VLCT News, June 2006*