



LABOR AND EMPLOYMENT

BALCH & BINGHAM LLP

BULLETIN September 23, 2004

Alabama • Georgia • Mississippi • Washington, D.C.

DEPARTMENT OF LABOR PROPOSES NEW USERRA REGULATIONS

On September 20, 2004, the U.S. Department of Labor issued proposed regulations under the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), designed to explain the obligations of employers and the rights of armed services members. USERRA was enacted in part to clarify previous laws relating to the reemployment rights of service members. The United States Supreme Court has admonished courts to construe such laws "liberally ... for the benefit of those who left private life to serve their country in its hour of great need." *Fishgold v. Sullivan Drydock and Repair Corp.*, 328 U.S. 275, 285 (1946). According to the introduction to the proposed regulations, the regulations were drafted in accordance with this instruction.

The proposed regulations, which include 314 sections and are written in a question and answer format, cover numerous issues, including eligibility for military leave under USERRA, reemployment rights for employees upon their returning from protected military leave, rights and benefits accrued by employees while on leave, and enforcement and remedies for violations of USERRA. A copy of the proposed regulations may be obtained at <http://www.regulations.gov/freddocs/04-20844.htm>.

The regulations are not final, but instead are proposals that are subject to revision. Employers and other interested parties may provide comments to the Department of Labor on the proposed regulations on or before November 19, 2004. If approved, the regulations will become the first ever to interpret the USERRA statute.

There's still time to register for Balch & Bingham's upcoming Labor & Employment Seminars, to be held in Birmingham, AL on October 6-7, and Biloxi, MS on October 28-29. [Click here to register.](#)

Government Contractors: We have designed a seminar especially for you – to be held in Huntsville, AL on November 19, 2004. Watch for an announcement soon!

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