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# LABOR AND EMPLOYMENT BULLETIN

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## DOL ISSUES FINAL USERRA REGULATIONS

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Earlier today, the Department of Labor issued final regulations implementing the Uniformed Services Employment and Reemployment Act (“USERRA”), the statute that protects employment and reemployment rights and benefits for service members returning to civilian life. These regulations are the first to be published since USERRA became law in 1994.

The publication of the USERRA regulations also completes the implementation of The Veterans Benefit Improvement Act of 2004 (“the VBIA”), which was signed into law by President Bush on December 10, 2004. As discussed in a previous Bulletin, the VBIA amends the USERRA through (1) the expansion of the health-care continuation provisions from 18 to 24 months, effective December 10, 2004; (2) the requirement of notice to covered employees regarding rights, benefits, and obligations, effective March 10, 2005; and (3) the promulgation of regulations interpreting the USERRA.

The extensive regulations are organized in a user-friendly question-and-answer format and comprehensively cover such topics as:

- Purpose and coverage of the statute
- Anti-Discrimination and Anti-Retaliation provisions
- Eligibility requirements
- Notice requirements
- Reemployment rights
- Statutory defenses
- Health plan coverage
- Seniority rights and benefits



- Rate of pay
- Pension plan benefits

The regulations were published in today's *Federal Register*, and are to be codified in Title 20, Part 1002 of the Code of Federal Regulations. In addition to the regulations, the DOL published two posters that comply with the new notice requirements under the VBIA. The regulations and downloadable posters can be accessed at [www.dol.gov/vets](http://www.dol.gov/vets). The new regulations will become effective on January 18, 2006.

For further information, please feel free to contact us.

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