



focus: military service

Know your obligations when managing staffers who are also in the armed forces

Like most supervisors, you probably already know that members of your crew who are also in the military are protected under federal law. But do you know what protections the law actually provides to them?

Here's why the answer to this question is important: If you're not sure what your obligations are and you unknowingly run afoul of the law, your employer could be hit with a costly lawsuit based on alleged military service discrimination.

That's why it makes sense to brush up on your understanding of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

First, it's important to recognize that the law provides job protections for all employees absent from work because they've been required to serve in the U.S. armed forces. USERRA also protects job applicants or employees returning from either voluntary or involuntary military service.

Advance notice

You should also be aware that a service member must provide advance notice, in either written or oral form, of his or her need for time off for military service. However, leave notice isn't required from a service member if the military obligation could be compromised by public knowledge of the mission.

Also, a military service member can use earned vacation time to help cover the leave time, but he or she isn't required to do so.

One key is to remember that the service member must be classified as continuously employed, even while the staffer is on leave. That means that when a service member returns, you have to give the worker the same job back, or at least offer him or her a comparable position at the same pay rate.

And while you can take disciplinary action against a member of the military, it pays to remember that you could be held to a higher standard of proof to justify your decision-making.
