

When Your Employee is Called to Military Duty

Uniformed Service Employment and Reemployment Rights (USERRA) legislation ensures that reservists do not lose their jobs while away. It also prohibits businesses from discriminating against individuals in any aspect of employment as a result of service in the reserves.

USERRA secures some continuation of benefits during a worker's activation, as well. An employee who is absent 30 days or less – at annual training (the two-weeks a year obligation for reservists), for example – can continue medical coverage at the same cost during this period. If service goes beyond 30 days, the appropriate military health care plan will kick in. When the employee returns to work, they are entitled to re-enroll in the company's medical plans without required waiting period or exclusion.

When a reservist is called to active duty, in any capacity, they will be given a set of documents called 'orders.' These orders are proof of the employee's active service. All military components and branches will generate orders for their military members, not just reservists. Typically, for any training or deployment, they will be generated a month or two out from their reporting date. If it is in the case of a natural disaster, there might be a lag in time of when the orders will be generated for that employee.

These orders are essential for the employee and human resources department. Placing them in their personal file is a good idea. They are often used for payroll, change in hours, health care changes, or other additional changes to their employee benefits.

How does your business make up for the loss in personnel, while that employee is away for over 30 days? Ensuring other employee's take on some of the deployed workers duties can mitigate the problem without hiring outside and temporary help. Staffing agencies can offer temporary candidates, as well.

Some final tips and pointers that could be helpful to your business:

- As the employer, know the daily job duties of that employee and assign other employee's to cover essential duties.
- When using staffing agencies or independent contractors, be honest regarding the deployed employee's eventual return. As a courtesy, provide a 30 day written termination notice.
- Train the replacements early to avoid problems when the worker is gone using job shadow techniques and trial runs to identify additional training needs.
- Put together procedural guides or manuals that outline the reservist's job duties that can be edited and updated for future use.
- Try to set up a line of communication with the reservist prior to their absence, with personal email accounts or even family member information.