

Employers Must Post New Notice under the Veterans Benefits Improvement Act

Enacted on December 10, 2004, the Veterans Benefits Improvement Act (“VBIA”) amends several provisions of the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), the federal law that provides reemployment protection and other benefits to veterans and employees who perform military service. The VBIA imposes a new notice requirement on employers, mandating that they notify employees of their rights and benefits under USERRA beginning on March 10, 2005.

To facilitate employers’ compliance with this notice requirement, the Department of Labor’s Veterans Employment and Training Service recently issued a sample poster, entitled “Your Rights Under USERRA.” Employers can satisfy the VBIA’s notice requirement by displaying this poster in a prominent place where employees customarily check for personnel-related information.

In addition to this notice requirement, the VBIA extends the maximum period of employer-sponsored health insurance coverage from 18 to 24 months for employees who are covered by USERRA. Accordingly, covered employees who go on military leave after December 9, 2004 must be allowed to continue their coverage under the employer’s health plan for a period of 24 months from the date the military leave commences. This insurance continuation right applies even when the employer is not covered by COBRA, and remains available regardless of whether the employee receives health insurance from his or her military employer.

Employers should post the required notice immediately, and should also review their internal benefits policies to ensure compliance with the VBIA. For questions about the VBIA, USERRA, or any other labor or employment concerns, please contact any member of Ropes & Gray’s Labor & Employment Group.

