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## Back to School

**I never learn anything while talking. I learn when I ask questions. Lou Holtz**

The essence of teaching is to make learning contagious, to have one idea spark another. Marva Collins

**Experience: that most brutal of teachers. But you learn, my God, do you learn. C.S. Lewis**

Winners learn from the past and enjoy working in the present toward a successful future. Dennis Waitley

**The purpose of learning is growth. Unlike our bodies, our minds continue growing. Mortimer Adler**

Effective education teaches concentration, mastering study skills, then applying your knowledge. Anon

## Veterans as Returning Employees

35% of all US military forces, 141,000 members, in Afghanistan and Iraq have been deployed from the Reserves and National Guard. Employers have legal obligations when their employees have been called to active military duty. USERRA, the Uniformed Services Employment and Re-Employment Rights Act of 1994, **applies to all employers.**

**LEAVE OF ABSENCE POLICIES** When employees serve in the military during their employment, the company is required to either **hold their jobs open or re-employ them** in similar positions when they return from their military duties. This includes, initial duty for training (basic training), inactive duty training (weekend), active duty training (typical summer camp training) and actual military service (active duty.)

The leaves may be almost any length, with a maximum cumulative leave of five years. When the employees service is over, they **must provide notice of intent to return** to their employer. Under most circumstances, the employer must re-employ the employee within two weeks of the veteran reporting back to work. **The veteran cannot be fired for one year**, except for cause.

**SENIORITY, STATUS, PAY, PROMOTION, AND PENSIONS** Returning veterans are entitled to all seniority-based benefits they would have earned had they not served in the military. The employer must award the pay increases and promotions, effective as of the date they would have been made. If testing was part of the promotion process, the veteran may need to pass the testing to be promoted. **The employer must treat them as if they had continual service with the company.**

**VETERANS RETURNING WITH DISABILITIES** ADA, the American Disabilities Act of 1990 and many individual state governments have laws prohibiting discrimination based on disabilities for *employers with 15 or more employees*. Employers will not be required to lower the quality of their work or production standard, but rather to **provide accommodations** so that the returning veteran – because they have the necessary work knowledge and experience – will again be productive in their work environment.

**EXCEPTIONS** There are essentially only two positions that employers may be relieved of their obligations under USERRA. **1.** Impossibility, such as reductions in force. **2.** Undue hardship, such as having a veteran unable to perform the job previously held.

“It is important to recognize the significance of the military’s roll in today’s society and to understand the employer’s responsibilities as well as the implications of providing sources of employment for our military veterans returning from war.” For the full article, see *The Employers’ Legal Obligations to Employees in the Military*, Jeffrey Schieberl, JD, MBa, and Charles P. Leo, PhD, MBA, Graziadio Business Report. Volume 10, Issue 3, 2007. [www.workforce.com](http://www.workforce.com).