

June 6, 2008

Michigan Amends Act To Protect Military Personnel

Laws impacting the relationship between employers and their service-member employees exist to help ensure that returning service members readily acclimate back into the workplace. With the heavy involvement of our military overseas, these laws affect more employees and require higher awareness by employers. Employers with employees in Michigan need to be aware of the recent amendments to the Military Leaves / Reemployment Act of 1955 ("MLRPA"), Michigan's counterpart to the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

As amended, effective April 25, 2008, the MLRPA provides greater coverage to returning service members than USERRA. For example, under the MLRPA a returning employee is entitled to re-employment without exception while under USERRA the employer can avoid re-employing a returning employee if it can establish that circumstances have changed such that re-employment would be impossible, unreasonable, or would impose an undue hardship.

Other amendments changed the MLRPA in the following ways. First, the MLRPA now expressly applies to National Guard members in addition to members of other branches of the armed forces. Second, returning service members need not re-apply for employment if they have served for more than 180 days. Instead, the employee must only report to work within 90 days of completion of service. Third, re-employment rights do not cease unless the employee has served for five consecutive, not cumulative, years. Finally, there now exists a civil remedy for an aggrieved employee that includes reinstatement and reasonable attorneys' fees.

In sum, employers must become well-versed in statutes that protect returning service members in order to navigate the minefield they present. To fully comply with their obligations under these statutes, employers must consider federal as well as state legislation. It should be expected that governments would aggressively enforce these statutes in recognition of the service these employees have provided.

If you have any questions about the USERRA or the MLRPA, or about any other statutes that protect military personnel, please contact the author of this E-News bulletin as indicated below or your Butzel Long attorney.

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ANNOUNCEMENT: SHRM's Annual Conference - Chicago, June 22-25, 2008

Are you attending the Society of Human Resource Management (SHRM) Conference in Chicago next month? If so, we'd like to know. A number of our attorneys will be at the conference. They would like the opportunity to meet you and perhaps join in some camaraderie.

It might also interested you to know that one of our attorneys, Rob Boonin, will be speaking at two sessions during the conference – at 10:30 a.m. on Monday, June 23rd, and at 4:00 p.m. on Tuesday, June 24th. His topic is: "Wage and Hour Compliance: Common Misconceptions and Errors." We hope you enjoy the conference and are able to attend one of his sessions.

Please let us know if you will be attending the conference and we'll follow-up with more details. Email your information to brents@butzel.com with "SHRM" in the subject line (do not "reply" to this e-mail message). Please provide your full name, title and employer. We look forward to hearing from you!

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