

Automation Alley Newsletter

June 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.

Terry Kasiborski
313-225-7064
kasiborski@butzel.com

Automation Alley Newsletter

June 2008

Copyright 2008, Butzel Long, a professional corporation

Any reproduction without permission of the author is prohibited.

The above news is only intended to highlight some of the important issues. This e-mail has been prepared by Butzel Long for information only and is not legal advice. This information is not intended to create, and receipt of it does not constitute, a client-lawyer relationship. Readers should not act upon this information without seeking professional counsel. This electronic newsletter and the information it contains may be considered attorney advertising in some states. If you feel you have received this information in error, or no longer wish to receive this service, please follow the instructions at the bottom of this message.

For previous e-news or to learn more about our law firm and its services, please visit our website at: www.butzel.com

Butzel Long Offices:

Ann Arbor
Bloomfield Hills
Boca Raton
Detroit
Holland
Lansing
New York
Palm Beach
Washington D.C.

Alliance Offices:

Beijing
Shanghai
Mexico City
Monterrey

Member:

Lex Mundi