

September 29, 2004

## **New Massachusetts Law and New Federal Regulations Protecting Employees Serving in the Military**

### **New Massachusetts Statute**

On September 23, 2004, Massachusetts Governor Mitt Romney signed into law a bill barring job discrimination against current or prospective employees who are enrolled in any military reserve forces, including those in the National Guard and Reserve. Pursuant to this new law, employers may not deny employment, promotions, or benefits to employees who are enrolled in the armed forces because of their service. The new law also establishes a Commission on Veteran's Employment Opportunities charged with investigating discrimination complaints. This new law supplements and greatly expands the protections for reservists set forth in M.G.L. ch. 149 section 52A, which currently requires employers to provide 17 days leave in any calendar year to its employees who are members of the military reserves so that they may receive military training. For text of the new law, please [click here](#).

### **New Federal Regulations**

In addition, on September 20, 2004, the U.S. Department of Labor (DOL) announced that it has published draft regulations in the *Federal Register* that interpret the Uniformed Services Employment and Reemployment Act of 1994 (USERRA). Congress passed USERRA in 1994 to protect the employment rights and benefits of service members returning from active duty to civilian life. This action by the DOL represents the first time regulations have been developed to help enforce USERRA since Congress enacted the law. The regulations explain how USERRA protects employees against discrimination and retaliation because of military service. It also prevents service members from suffering disadvantages due to performance of their military obligations and creates a window of time for them to report back to their jobs following completion of their service obligations. There will be a 60-day public comment period before the regulations can become final. For text of the proposed regulations, please [click here](#).