

SECTION

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The Record BUSINESS

TUESDAY, JUNE 26, 2007

DOW

8.21

Close:
13,352.05THE MARKET
S&P 500

4.82

Close:
1,497.74

ASK A LAWYER

Soldiers' jobs protected while they are at war

Q. What are an employer's obligations to employees returning from military leave?

With the United States at war in Iraq and Afghanistan, employers may wonder about their obligations to employees who serve in the armed forces or reserves. All New Jersey employers must comply with the federal Uniform Services Employment and Re-employment Rights Act of 1994 (USERRA) and the New Jersey Soldiers' and Sailors' Relief Act of 1979 (Relief Act), including both statutes' requirement that employers reemploy military personnel who have been on military leave

under most circumstances.

To be entitled to reemployment rights under USERRA and the Relief Act, an employee must give advance notice of his military obligations. The employee must also be qualified for the position and report for reemployment within the time period defined by the statutes, which varies depending on length of military service. In addition, the employee's military service must be of "good character." Finally, the cumulative length of the employee's absence with the same employer because of military service must not be greater than five years.

The type of position to which the employee is entitled to return depends on the length of military service. If an employee returns with a service-related disability that renders him unable to perform the position he would have held, the employee must be reinstated to a position that is equivalent or as close as possible to the original position. The returning employee is also entitled to all seniority and seniority-based benefits that he had at the time the military service began, as well as any other benefits that would have been earned had the employee not served in the military. The rehired

employee is entitled to job protection for 180 days to one year.

The New Jersey Law Against Discrimination also prohibits employers from discriminating against employees on the basis of their military service.

Randi Kochman is a member of the employment department at Cole, Scholtz, Meisel, Forman & Leonard, P.A., the largest law firm in Bergen County. She can be reached at rkochman@colescholtz.com. This is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of a client.

LEADS

A listing of new local businesses:

Company	Type	Address	Telephone
Trustworthy Dog Care	Pet day-care service	63 Cooper Road, Oak Ridge	973-208-8744
Bleu Studio	Portrait photographer	90 W. Palisade Ave., Englewood	201-871-7188
Pediatric Ophthalmology of NJ	Medical office	57 Willowbrook Blvd., Wayne	973-256-4111
Cartridge World	Toner cartridges	830 Franklin Ave., Franklin Lakes	201-891-0990
Freedom Home Mortgage	Real estate loans	65 Willowbrook Blvd., Wayne	973-785-0702