LEAGUE of MINNESOTA CITIES

INFORMATION MEMO

City Employees and Military Leave

Learn about state and federal laws providing employment-related protections and benefits to employees who are called to military service, whether in the reserves or on active duty. Examples include paid and unpaid leave, re-employment and seniority rights, and insurance coverage. Understand the responsibilities of both the employer and the employee.

RELEVANT LINKS:

1994 Uniformed Services Employment and Re-employment Rights Act (USERRA). 38 U.S.C. §§ 4301-4333.
U.S. Dep't of Labor: Elaws-USERRA Advisor.
38 U.S.C. § 4303, 13 & 16.
20 C.F.R. § 1002.54.
20 C.F.R. § 1002.58.
20 C.F.R. § 1002.5 (o).
Minn. Stat. § 192.26.
Minn. Stat. § 192.261.

I. State and federal law protections of military employees

State and federal laws provide employment-related protections and benefits to employees who are called to perform uniformed service, whether in the reserves or on active duty. The basic principle governing these laws is: "a person who serves in the armed forces should not be penalized for that service in civilian life." Leave from employment to participate in military duty is addressed in federal law. Public employees in Minnesota engaged in military service, as well as employees convalescing from an injury or disease incurred during active military service, have additional protections and benefits under state law.

II. Employer responsibilities

38 U.S.C. § 4303 (13).

Generally, the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and Minnesota laws require, at a minimum, city employers provide military leave, continued insurance coverage, accrual of seniority rights, re-employment rights and continuation of protections and entitlements involved with a pension benefit plan. An employee is entitled to military leave regardless of whether the military duty is involuntary, or the employee volunteered for the duty.

A. Military leave

20 C.F.R. § 1002.99.

Cities must provide military leave to employees for up to five cumulative years of active-duty service. Additionally, longer job protections may apply under federal law, such as when the president declares a national emergency.

1. Temporary appointments

Minn. Stat. § 192.263.

Understandably, it may not be feasible for many organizations to keep a position vacant for an extended period of time. State law allows employers to fill military vacancies by temporary appointment while an employee is absent on military leave.

145 University Ave. West
Saint Paul, MN 55103-2044
www.lmc.org
(651) 281-1200 or (800) 925-1122
2/5/2024

RELEVANT LINKS:

A.G. Op. 310-H-1-A (May 15, 1946).

When the veteran is reinstated, the acting temporary is terminated, and the temporary employee does not retain rights to tenure.

Temporary appointments in these situations must be navigated carefully, especially when the temporary appointment involves a veteran or a civil service or collectively bargained covered position. While there is no specific case law addressing these situations, a best practices approach includes detailing in an offer letter to the temporary employee the appointment is only temporary, and the temporary employee will be subject to immediate removal upon the return of the military leave employee.

A.G. Op. 310-H-1-A (May 15, 1946).

In the event a temporary appointment is also a veteran, the city may want to consider drafting written notice that (1) the city considers the temporary employment exempt from Minn. Stat. § 197.46, and (2) if the veteran disagrees he or she has 30 days to challenge the city's decision with a writ of mandamus in District Court or through filing a petition with the Commissioner of Veterans' Affairs pursuant to Minn. Stat. § 197.481. Again, while there is no case law addressing this specific situation, this approach allows a time clock to start running, and in the event the veteran doesn't take action in 30 days, they should be precluded from challenging the removal.

Minn. Stat. § 197.46.

2. Calculating time

20 C.F.R. §§ 1002.99 - .103.

When calculating the five years of cumulative service, inactive duty service, such as drill weekends and annual training, are not counted. There are eight categories of service not counted toward the five-year cumulative service limitation:

38 U.S.C. § 4312 (c).

- Service required beyond five years to complete an initial period of obligated service.
- If the individual, through no fault of his or her own, is unable to obtain a release within the five-year limit.
- Required training for reservists and National Guard members.
- Service under an involuntary order to, or to be retained on, active duty during a domestic-emergency or national security-related situation.
- Service under an order to, or to remain on, active duty (other than for training) because of a war or national emergency declared by the President or Congress.
- Active duty (other than for training) by volunteers supporting "operational missions" for which Selected Reservists are ordered to active duty without their consent (The U.S. military involvement in Afghanistan and Iraq are two examples of such an operation mission).
- Service by volunteers who are ordered to active duty in support of a "critical mission or requirement" in times other than war or national emergency and when no involuntary call up is in effect; or

RELEVANT LINKS:

- Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States.

B. Payment issues for military leave

1. Employer-paid leave

Minn. Stat. § 192.26.

A.G. Op. 644-D (Sept 19, 1949).

Howe v. City of St. Cloud, 515 N.W.2d 77 (Minn. App. 1994). (Firefighter's shift determined to be 24 hours for purposes of paid military leave).

Minnesota Attorney General's Guide for Military Service Personnel and Veterans.

Employers must provide paid leave up to 15 days of military service in each calendar year for qualified periods of military leave. The 15-day pay requirement applies to temporary and regular employees. The courts have determined that a "day" is the same as a "shift" of work. To clarify, employees qualifying for the 15-day period of paid military leave are entitled to receive both their military and regular pay from the city. The 15 days of paid leave applies to qualifying periods of military leave of more than 15 consecutive days, as well as situations where a service member takes military leave at various times throughout the year totaling in excess of 15 days (for example 15 days in January and 7 days in July). In both cases, the employee on military leave would be compensated for the initial 15 days of military leave provided the leave is qualified.

The MN Department of Veterans Affairs provides the following examples of typical documents a city could request from an employee to support the 15-days of paid military leave:

- A copy of military orders. Keep in mind, from time to time a mission may be cancelled and rescheduled, but a city could request a copy of the signed orders after the fact for a rescheduled mission.
- A copy of the applicable drill schedule. This document is also sometimes known as a "battle assembly schedule." For some unique positions there may be no drill schedule available, so a signed memo from an immediate military supervisor could be requested in this circumstance.

See section III B *Re-employment procedures*.

20 C.F.R § 1002.74.

While re-employment timeframes and procedures are addressed under Section III B of this memo, some cities have asked how to handle a rotating shift schedule, for example, for an employee who may be scheduled to work the night *before* a qualified military exercise. USERRA requires employers to provide employees with eight hours of rest plus sufficient travel time to the duty station. As an illustration, in the event the League of Minnesota Cities, as an employer, has an employee reporting to Camp Ripley for a qualified military leave, the League would need to provide the employee with at least ten hours before reporting to military duty (8 hours rest + 2 hours travel time = 10 hours).

When an employee has used all of their paid military leave, a city may elect to pay the differential between an employee's civilian pay and military pay.

RELEVANT LINKS:

Unlike state agencies, cities are not required to provide differential pay. In the event a city elects to pay differential pay, the city would pay the difference between an employee's civilian pay and the employee's basic military pay.

Minn. Stat. § 471.975.

If a city elects to make differential military pay the amount is equal to the difference between the member's base active-duty military salary and the employee's city wages, including any adjustments the employee would have received if not on the leave of absence. This payment may be made only if the city employee's base active-duty military salary is less than their city wages. Payments may be made as a lump sum and cannot extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

IRS Rev. Rul. 2009-11.

The IRS has addressed the issue of the taxability of differential military pay in several revenue rulings. As IRS Revenue Ruling 2009-11 reflects, the IRS considers differential wage payments as supplemental wages because they are not a payment for services for the nonmilitary employer in the current payroll period, and as such, provides for two procedures for calculating the amount of income taxes withheld (see IRS Revenue Ruling 2009-11).

Differential wage payments made to an individual while on active duty in the United States uniformed services for more than 30 days are subject to income tax withholding but are not subject to FICA or FUTA taxes.

2. Unpaid leave

Employers must provide unpaid leave after the initial 15 days to engage in military service, plus travel time.

3. Use of accrued leave

38 U.S.C. § 4316(d).
20 C.F.R. § 1002.153.

Graham v. Hall-McMillen Co., 925 F. Supp. 437, Dist. Court, N.D. Miss. 1996).

Employers must give employees the option to use accrued vacation or similar paid leave during the period of military service. In addition, after an employee uses all of his or her paid military leave, an employee can elect to use accrued paid leave. However, a city cannot require an employee on military leave to use accrued paid leave.

While ongoing communication is strongly encouraged to support the service member and their family, the League recommends cities discourage an employee on military leave from working on city assignments. Simply due to the unpredictable environment of some military assignments, an employee, no matter how diligent, could be left unable to complete a deadline simply due to circumstances beyond their control.

RELEVANT LINKS:

U.S. Dep't of Labor, Wage & Hour Div.: Salary Basis Requirement and the Part 541 Exemptions Under the Fair Labor Standards Act (FLSA).

Watch for salary pay requirements when exempt employees miss part of a workweek due to military service. Under Fair Labor Standard Act (FLSA) rules, an exempt employee cannot incur any reduction in weekly salary if the employee misses part of a workweek due to temporary military leave. Generally speaking, temporary military leave includes short-term training periods for reservists or National Guard members. In other words, in a situation where an exempt employee takes temporary military leave and works part of the week for the city, the city must pay the employee for the entire week to maintain the employee's exempt status. However, if an employee is absent for a complete workweek, then the city is not required to pay the employee's salary.

38 U.S.C. § 4316 (b)(2)(a).
20 C.F.R. § 1002.152.

USERRA regulations specify when an employee leaves for military service he or she is not required to notify the employer whether he or she will seek reemployment following the military service.

38 U.S.C. § 4316 (b) (2) (A) (ii).

Even if the employee tells the employer before leaving for military leave that he or she does not intend to seek re-employment after completing the military service, the employee does not forfeit the right to reemployment after completing service.

C. Insurance coverage

Employers must provide continuation of insurance coverage under employer-sponsored health plans.

U.S. Dep't of Labor: Vets USERRA Fact Sheet – Job rights for Veterans and reserve component members.

38 U.S.C. § 4316 (b).

38 U.S.C. § 4316(b)(4).

For periods of military service of less than 31 days, an employer can only require the employee to pay the employee's share for health insurance premiums. When on active military duty for over 31 days, employees and their dependents typically receive health insurance through the military. In the event you have employees eligible for Family Medical Leave law protection, be aware that when you continue to provide the employer contribution toward medical insurance benefits for the 12-weeks of Family Medical Leave, you should consider providing a similar contribution for an employee on military leave. Employer obligations for continuing benefits under military leave laws can be tricky and so it is important to work with your city attorney for an individual assessment.

38 U.S.C. § 4317(b)(1).

When the employee returns to work, they simply re-enter the city's policy as though the leave has not occurred (thus, the returning employee's insurance coverage is restored without any waiting periods nor exclusions for pre-existing conditions).

38 U.S.C. § 4317.

For those on extended military leave, continuation of benefits may be an issue. Some employees may elect to remain on their employers' health care plan. Under USERRA, an employee must be offered continuation options in accordance with state and federal laws.

RELEVANT LINKS:

An employee may elect to continue coverage at their own expense for up to 24 months but may be required to pay no more than 102% of the full premium under the plan.

While it is rare an employee on military leave would choose to pay for such coverage, the city must still provide the required notices of an employee's continuation rights under COBRA, Minnesota law and USERRA.

D. Seniority rights

Employees are entitled to accrue seniority rights with respect to their employment while engaged in military service.

20 C.F.R. § 1002.192.

Employers have an obligation to treat employees engaged in military service as though they have been continuously employed. Under the escalator principle, an employee returns at the level of seniority that person would have occupied but for the military service. Remember, time spent in military service is also counted toward qualifying for Family Medical Leave Act (FMLA) leave. Seniority rights also affect reemployment and employee benefits.

29 C.F.R. § 825.110.
29 C.F.R. § 825.800.

See also Section II-E *Re-employment rights*.

E. Union dues

20 CFR § 100.149.

Generally speaking, assuming union dues are based on wages earned, and the city employee/service member has a paycheck from the city (i.e., the 15 days of paid leave year under Minnesota law or the employee elected to use their accrued leave) then it would appropriate for union dues to be collected. However, should the city employee/service member be on an unpaid military leave without wages from the city, then, generally speaking, no union dues are to be collected.

F. Re-employment rights

38 U.S.C. § 4313 (a).

Employees on military leave have re-employment rights upon completion of military service. Reemployment protection does not depend on the timing, frequency or nature of an employee's service. With very few exceptions, the city is required to offer reemployment to any employee returning from military service.

Minn. Stat. § 192.261.
20 C.F.R. § 1002.7.

Both state and federal law provides for timeframes returning military city employees must follow to notify their employers of their intent to return to work. Federal law requires any state or local law that is more beneficial or generous to an employee to take precedence over USERRA provisions, since USERRA establishes a floor, not a ceiling, for employment and reemployment rights and benefits.

38 U.S.C. § 4312.

RELEVANT LINKS:

Minnesota law provides for a longer timeframe for employees on unpaid military leaves of absence to make written application for reinstatement to their jobs, by providing 90 days following termination of military service, rather than the graduated timeframes under federal USERRA law. Thus, since Minnesota law is more generous than USERRA, cities will want to apply the 90-day timeframe to all returning military city employees, regardless of how long the city's employee's military deployment.

A best practices tip to include in employee handbooks, is to simply state that "an employee will be reinstated in accordance with federal and state law," rather than try to address every scenario.

Note, "they would have obtained positions" mentioned above may not necessarily be the same job the person previously held; if, with reasonable certainty, the returning employee would have been promoted had they not been absent, then the returning employee would be entitled to that promotion upon reinstatement.

20 C.F.R. § 1002.198.

Cities will want to provide returning employees with refresher training to update or upgrade skills in situations where the employee is no longer qualified due to technological advances. When a promotional examination is held while the employee is on military leave, the employee is entitled to take the promotional examination upon return from the leave

A.G. Op. 120 (Aug 5, 1947).

Prompt reemployment is not defined under USERRA but will depend on the circumstances of each individual case. Reinstatement after weekend National Guard duty will generally be the next regularly scheduled working day.

38 U.S.C. § 4313(b) (1) & (2)(A).

In cities where two or more persons are entitled to reemployment for the same position, the following reemployment scheme applies:

- The person who first left the position has the superior right to it.
- The second individual is entitled to employment with full seniority rights in any other position that provides similar status and pay.

1. Dishonorable military service

38 U.S.C. § 4304.

Dishonorable military service disqualifies an employee from USERRA reemployment rights. Disqualifying service includes:

- Dishonorable or a bad conduct discharge.
- Separation from service under other than honorable conditions.
- Dismissal of a commissioned officer in situations involving a court martial or by order of the President in time of war; and
- Dropping of a commissioner officer from the rolls when the officer has been absent without authority for more than three months or is imprisoned by a civilian court.

RELEVANT LINKS:

2. Layoff of a position when an employee is on military leave

20 C.F.R. § 1002.139.

In the event of a city's legitimately planned reduction in force or layoff impacting an employee on military leave, USERRA law may indeed permit laying off an employee on military leave as well. However, it is important to note the city has the burden of proof to demonstrate the termination is not related to the employee exercising his or her rights under USERRA.

To this end and in the event of a challenge, it is vital the city consults with the City Attorney for any layoff situation impacting an employee on military leave, since the employer must provide a sound business reason for the layoff and ensure adequate documentation regarding this business decision as well as the layoff selection criteria. Keep in mind, any recall rights promised to employees in a temporary layoff will apply to those on military leave as well.

20 C.F.R. § 1002.42.
20 C.F.R. § 1002.248.

Regulation §1002.42 clarifies the rights and limitations of the USERRA protections: "If the employee is laid off before or during service in the uniformed services, and the employer would not have recalled him or her during that period of service, the employee is not entitled to reemployment following the period of service simply because he or she is a covered employee. Reemployment rights under USERRA cannot put the employee in a better position than if he or she had remained in the civilian employment position."

3. Reinstatement of disabled veterans

Veterans who are hospitalized or convalescing because of a disability incurred or aggravated by military service have an extended period, up to two years or more from the date of completion of service, to apply for reemployment or return to work.

Keep in mind the entire period of military service absence, including preparation and recuperation time for injured military employees, is considered service with the city when the employee returns to work.

U.S. Equal Employment Opportunity Commission: Veterans and the Americans with Disabilities Act (ADA): A guide for Employers.

Under USERRA, cities are required to provide reasonable accommodation for employees with service-connected disabilities regardless of size. While the Americans with Disabilities Act (ADA) requires employers to make certain adjustments for veterans with disabilities called "reasonable accommodations," USERRA requires employers to go further than the ADA by making reasonable efforts to assist a veteran who is returning to employment. USERRA further requires the following three-part reemployment scheme for reemployment of individuals with military service-connected disabilities:

RELEVANT LINKS:

38 U.S.C. § 4313(a) (3).

- The city must make reasonable efforts to accommodate the veteran who has a disability incurred in or was aggravated during their service so they can perform the job that would have been held if the employee had not been on military leave.
- If, despite reasonable accommodation efforts, the individual is not qualified for the job they would have held had they not been on military leave, a position of equivalent seniority, status and pay would be provided if the individual is qualified or could become qualified with reasonable efforts by the employer.

  This could include providing training or retraining for the position at no cost for the veteran.
- If the person is not qualified for either of the first two positions, they must be employed in a position that, consistent with the circumstances of the case, most nearly approximates a position in terms of seniority, status and pay.

4. Re-employment position and benefits

U.S. Dep't of Labor: Vets USERRA Fact Sheet – Job rights for Veterans and reserve component members.

Employees returning from military service must be reemployed in the job that they would have attained had they not been absent for military service ("escalator" principle) and with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

38 U.S.C. § 4316(a).

The Department of Labor (DOL) describes the escalator principle as one where each returning service member steps back on the seniority "escalator" which brings them to the level they would have occupied if they had remained continuously employed. This includes the actual accrual of sick leave and vacation leave.

A.G. Op. 310-H-1-A, (Feb. 5, 1946).

Under Minnesota law, an employee on military leave accumulates vacation and sick leave from the time they enter active service until the date of reinstatement without regard to any applicable civil service rule limiting the accumulation of leave.

For example, at a minimum, after a one-year absence, a returning employee is entitled to receive the actual vacation and sick leave amounts they would have accrued had they been actively employed with the city during that year, as well as accrue the leaves at the rates they would have if the employee had not taken military leave.

20 C.F.R. § 1002.236.

If a returning employee would have received a merit pay increase with "reasonable certainty," then the escalator principle applies as well. The regulations advise employers to consider factors including the employee's work history, history of merit increases, and the work and pay history of other employees in same or similar positions to determine "reasonable certainty."

RELEVANT LINKS:

Additionally, any rights a returning employee may have under state law, local law, collective bargaining agreements, personnel policies or otherwise that are more beneficial than federal law provides will continue to apply.

G. Pensions

38 U.S.C. § 4318.
PERA.

Under USERRA, all pension plans in which benefits are earned for length of service are protected. In Minnesota, a public employee on military leave for less than five years has the option to purchase service credit for years missed due to military leave.

If an employee elects to purchase service credit, the employer is obligated to provide the employer contribution. For more details, refer to the Public Employees Retirement Association website.

III. Employee responsibilities

A. Notice to employer

38 U.S.C. § 4312(a)(1).

The employee (or an officer from his/her command) must give the city advance notice (written or verbal) of upcoming military service of any type. Otherwise, the employee may not be eligible for USERRA protection following the period of military service. Exceptions to this requirement would be if the giving of notice is precluded by military necessity (e.g. a classified recall) or if it is otherwise impossible or unreasonable to give notice. Commonly, cities receive copies of an employee's military orders, training notices or induction information.

A city may contact the officer in the military branch who issued the orders, notices or induction information to confirm validity.

Regardless of how the notification is received, an important point is that cities cannot refuse to grant military leave to employees. Further, a city cannot refuse to grant an employee a leave of absence because the city finds the timing, duration or frequency of an employee's military obligations to be unreasonable.

B. Re-employment procedures

38 U.S.C. § 4312(e).

Reinstatement is based on the duration of military service. An employee returning from military service may apply for reemployment verbally or in writing.

RELEVANT LINKS:

Both state and federal law provides for timeframes returning military city employees must follow to notify their employers of their intent to return to work. Federal law requires any state or local law that is more beneficial or generous to an employee to take precedence over USERRA provisions, since USERRA establishes a floor, not a ceiling, for employment and reemployment rights and benefits. Minnesota law provides for a longer timeframe for employees on unpaid military leaves of absence to make written application for reinstatement to their jobs, by providing 90 days following termination of military service, rather than the graduated timeframes under federal USERRA law. Thus, since Minnesota law is more generous than USERRA, cities will want to apply the 90-day timeframe to all returning military city employees, regardless of how long the city's employee's military deployment.

Timely reporting and reapplication depend on the length of the leave and whether the returning employee has been injured or incurred an illness while in the uniformed service.

Failure to return to work or apply for reemployment within the specified time limits does not necessarily forfeit the individuals' reemployment rights but makes the person subject to the city's rules concerning unauthorized absence from work.

38 U.S.C. § 4312(f).
38 U.S.C. § 4312(f)(3)(A).

USERRA permits an employer to request an employee on military leave for a period of more than 31 days provide documentation establishing:

- the timeliness of his or her application for reemployment.
- that the five-year cumulative service limitation was not exceeded; and
- the employee's military separation was not disqualifying.

Typical documentation to support the timeliness of an employee's application for reemployment includes:

- DoD (Department of Defense) 214 Certificate of Release or Discharge from Active Duty.
- Copy of duty orders prepared by the facility where the orders were fulfilled carrying an endorsement indicating completion of the described service.
- Letter from the commanding officer of a Personnel Support Activity or someone of comparable authority.
- Certificate of completion from military training school.
- Discharge certificate showing character of service; or
- Copy of extracts from payroll documents showing periods of service.

If such documentation is unavailable, the city must conditionally reemploy the returning employee until the documentation becomes available.

RELEVANT LINKS:

If, after reemploying the individual, the city receives documentation showing the reemployment requirements have not been satisfied, the city may discharge the employee effective as of the date the documents were received.

IV. Other city considerations

A. Notice

Your Rights Under USERRA Poster | U.S. Department of Labor (dol.gov).

Cities are required to provide employees with notice of the rights, benefits and obligations of employer and employees under USERRA. The Department of Labor's "Your Rights under USERRA" poster can accomplish this notification and should be placed where other employee notices and employment posters are located.

In general, unless precluded by military necessity, an employee must provide advance notice of military leave. Even without prior notice, an employer cannot:

- Refuse to allow an employee to attend scheduled drills or annual training.
- Require the employee to reschedule drills or training.
- Require documentation for notification prior to military duty.
- Require an employee to find his/her own replacement.

The military generally advises its service members that failure to provide notice (where not precluded by military necessity) may result in a denial of the protections of USERRA.

38 U.S.C. § 4312(f)(3)(A).

To reiterate, following the period of service, if an employee cannot provide satisfactory documentation of military service under honorable conditions, the employer must still promptly reinstate the employee pending its availability.

B. Hiring

38 U.S.C. § 4311(a).

LMC information memo, *Veterans' Preference in Hiring.*

In making a hiring decision, an employer cannot deny an employee initial employment due to past or current service in the military. Further, an employer cannot adversely consider military service in hiring or promoting an employee. A city may also have an obligation to offer veterans a preference in hiring.

C. Discharge

USERAA provides returning employees a period of protection against discharge.

RELEVANT LINKS:

If a city discharges an employee during the period of protection, the city has the burden to show that the employee was discharged for cause. For cause, may include unacceptable or unprofessional public behavior, incompetent performance of duties or criminal acts.

38 U.S.C. § 4316(c)(1).
38 U.S.C. § 4316(c)(2).

If the returning employee served in the military continuously between 31 and 180 days, the period of special protection is 180 days. If the employee served over 180 days, the period of protection is one year.

Under USERRA, there is no protection if the employee only serves up to 30 days; however, an employer is prohibited from discriminating against an employee because of their military service or committing acts of reprisal against an employee for exercising their rights under USERRA.

LMC information memo, *Veterans' Preference in Discipline, Discharge or Job Elimination.*

Under Minnesota's military leave law, public officers and employees engaged in "active service" in the military cannot be removed or discharged within one year of reinstatement except for cause, after notice and hearing. Additionally, Minnesota law also provides veterans additional protections from discharge

D. Violations and penalties

An employer must try to do everything it can to provide a returning veteran the reemployment benefits they are eligible for. Under USERRA, cities can be sued by the government or by employees and returning employees can seek enforcement of their reemployment rights as well as monetary damages. Complaints can be filed with Department of Labor's Veterans' Employment and Training Service (VETS).

38 U.S.C. § 4323.

USERRA provides for awards of:

- Reinstatement and back pay.
- Lost benefits.
- Correction of personnel files.
- Retroactive seniority.
- Pension adjustments.
- Restoration of vacation time.
- Recovery of attorney's fees.

Minn. Stat. § 192.34.

State law provides significant penalties for failing to comply with military leave and reinstatement requirements as well. "Any person violating any of the provisions of this section shall be deemed guilty of a gross misdemeanor."

V. Further assistance

800.925.1122
651.281.1200
HRbenefits@lmc.org

The League's Human Resources and Benefits Department is happy to take your questions.

RELEVANT LINKS:

Employer Support of the Guard and Reserve
800.336.4590
Dep't. of Labor: Veterans Employment and Training Service.
651.296.3665

Two other sources of assistance are the Employer Support of the Guard and Reserve (ESGR) and the U.S. Department of Labor – Veterans' Employment and Training Service (VETS).