**Understanding Military and Veteran Rights**

Uniformed Services Employment and Reemployment Rights Act (USERRA) affords certain employment and reemployment rights and benefit protections for military personnel including members of the National Guard and reservists.  The Act protects **applicants** and **employees** who serve in the military, or who apply to serve, from employment discrimination, and provides employment and reemployment rights after completion of military service or training, or application for service.

USERRA restores the employee returning from uniformed service to his/her previous employment position with all seniority, pay, status and benefits that would have accrued but for military leave. This right to reemployment applies to uniformed service, whether voluntary or involuntary, and with equal force to private employers, state and local governments, and, with a few exceptions, to the federal government. A poster must be displayed by all employers under this law (This poster is included in Catapult’s Combined Federal and State Employment Law Poster).

NC law also provides that citizens have the right to serve in the National Guard “without fear of discrimination or retaliatory action from their employer or prospective employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.”

The North Carolina Commissioner of Labor has authority to enforce this law in accordance with the provisions spelled out in North Carolina’s Retaliatory Discrimination Act **(REDA)**, which includes reinstatement, compensation for lost wages, lost benefits and other economic losses. Lost wages, benefits and other economic losses may be trebled if it is found that the violation was “willful.”

Written by a Catapult Advisor