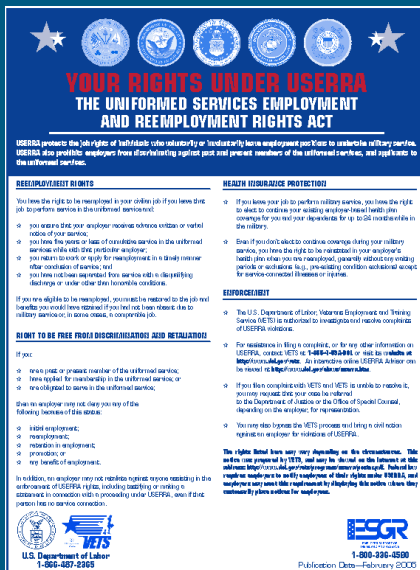


## For Your Info

• Partial pay deductions from time off banks, even for exempt employees, are now permissible according to a January, 2005 opinion letter released by the Department of Labor. If you have specific questions or need more info, visit "<http://www.dol.gov>" [www.dol.gov](http://www.dol.gov) or give us a call.

• USERRA required a new poster on March 10, 2005. Download it here if you don't have it.



**YOUR RIGHTS UNDER USERRA**  
**THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

USERRA protects the interests of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applies to the uniformed services.

**REEMPLOYMENT RIGHTS**

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed services.

- You require that your employer receive advance written or mailed notice of your service.
- You have the same level of coverage service in the uniformed services with USERRA as you would have had if you had remained in your civilian job.
- You have the same level of pay as you would have had if you had remained in your civilian job.
- You have the same level of benefits as you would have had if you had remained in your civilian job.
- You have the same level of seniority as you would have had if you had remained in your civilian job.
- You have the same level of status as you would have had if you had remained in your civilian job.
- You have the same level of other employment benefits as you would have had if you had remained in your civilian job.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**

If you are eligible to be reemployed, you must be restored to the job and benefits you could have received if you had not been absent from the uniformed services in your case, or comparable job.

**IF YOU:**

- are a past or present member of the uniformed services,
- have applied for membership in the uniformed services, or
- are obligated to serve in the uniformed services,

then an employer may not deny you any of the following benefits of this Act:

- equal employment,
- reemployment,
- benefits in employment,
- promotion or
- pay benefits in employment.

In addition, an employer may not retaliate against you because of the uniformed services of USERRA types, including leading or causing an otherwise covered individual to provide any USERRA, even if that person has no service connection.

**ESGR**  
1-800-328-6580  
Publication Date—February 2005

## Horrible Hiring Practices and How To Avoid Them:

### ○ No planning for the interview

Managers who try to "wing it." There is no agenda, outline or plan – only a brief glance at the resume before the candidate walks in. This lackadaisical approach to interviewing can lead to a lot of bad word of mouth advertising about your company. Take the time to plan, organize and prepare for the interview – as much as your candidate does!

### ○ Taking too long

Candidates are eager to receive feedback on a decision or next steps. Discuss the next steps with the candidate. If your process is a lengthy one, explain that it is lengthy up front. Then the candidate will not feel ignored or dismissed. Tell the candidate when a decision is expected. If in reality, it takes longer, let the candidate know.

### ○ Relying on email for a no hire decision

Try to contact candidates whom you have interviewed "live" – on the telephone or in person when you give them the news of your hiring decision. Even if they are not the top candidate, tell them over the phone or in person. Avoid using email. It is impersonal, cold and will give your company a bad reputation in the job market.

### ○ Botching employee referrals

Employee referrals are a great source of hires. Before you launch an employee referral campaign, establish a system for acknowledging the referrals. It is frustrating for the candidate and the referring employee if they are unsure about the status of the candidate.

- IT Computer Support positions are likely non-exempt. This troubleshooting position is mis-classified as exempt in many companies. In *Martin vs. Ind. Michigan Power*, the US Court of Appeals ruled that this position should be classified as non-exempt.

- First Beacon Group LLC was interviewed by Matt Kelly of the Boston Business Journal -- click here for the article <http://www.firstbeacongroup.com/march2005/bbj2005-04-15.html>

- If you are a Massachusetts employer, did you know that you could receive financial support for training initiatives? Check out [www.detma.org](http://www.detma.org) or call us for details.

(continued from page 1)

## Demographics - Another HR "To-Do"

With all the boomer hype, leading companies are reviewing their demographics. The challenge for HR professionals is answering the question "so what does all this mean for my organization?"

What it means is that the success of your organization rests on demographic analysis and the greatest need for highly effective planning since the boomers entered the workforce. Workforce planning has been wrongly perceived as RIF planning, or succession planning, when it is much more. Your organization needs a highly integrated HR strategy and planning process involving the functional HR needs, organizational effectiveness, leadership development and talent management to answer the following questions and address the impact on your organization.

Do you have bench strength work force? What happens if a majority of your "boomer leaders" leave in one year? What happens if your "boomers" don't leave - will your "hi-pots" go elsewhere to gain access to the top slot?

Addressing these needs is the challenge for today's HR leader, and developing a strategy to support the organizations strategic growth challenges and opportunities will be where HR launches success, or waits in the dark to react to what others tell them needs to be done.

Submitted by Elaine Varelas, Managing Partner, Keystone Partners  
[www.keystonepartners.com](http://www.keystonepartners.com)

*All information provided is of a general nature and is not intended to address the circumstances of any particular entity or individual. Although we try to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date received or that will continue to be accurate in the future. No one should act upon such information without appropriate professional advice after a thorough examination of the facts of a particular situation.*