

Employer Update: Recent Changes to Employer Obligations Under the Military Service Laws

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Two new laws, the Civilian Reservist Emergency Workforce (“CREW”) Act and the Senator Dole 21st Century Veterans Healthcare and Benefits Improvement Act (“Dole Act”) expand the workplace regulations that employers must follow under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). Most employers are familiar with USERRA, which imposes federal obligations on employers concerning employees who are also military service members. USERRA requires employers to allow employee job-protected absences because of service in the armed forces, including time off for active duty, emergency activations, fitness exams, funeral honors, and specific disaster response duties.

While no immediate action or posting updates are currently required, it is important that employers are aware of these changes to ensure continued compliance with USERRA’s evolving requirements.

New Employer Regulations Under The Crew and Dole Acts Explained

The Crew Act, passed in 2022, expanded coverage to Federal Emergency Management Agency (“FEMA”) reserve members who are deployed during federally declared disasters. The regulations also include protection for FEMA members training for disaster response.

The Dole Act, passed in 2025, amended USERRA, thereby expanding its reach. The amendments to USERRA include forbidding an employer from taking retaliatory action against an employee for exercising their rights under the law. The Dole Act also removed the adverse employment action element to establish retaliation, making it simpler for an employee to establish a claim for retaliation. In other words, an employee no longer has to show that a change in employment conditions or significant harm occurred to claim a violation of USERRA. Under the Dole Act, retaliation can also include both an employment action and “other retaliatory action.”

The Dole Act allows injunctive relief (oftentimes, a court order to stop an action or demand an action), if USERRA is violated. It also provides that as part of the test to determine an injunction, an employee must show that the harm to the person outweighs the injury to the employer. This is an easier standard to meet than typical to obtain an injunction, which requires the party requesting the injunction to show “irreparable harm.”

The Dole Act increases the amount of money damages that may be awarded against an employer if USERRA is violated. The minimum damages are \$50,000 or the total of an employee’s lost wages and benefits, with interest. If an employee has not lost any wages or benefits, the employee may still be awarded \$50,000. An employee must show that the employer knowingly violated USERRA’s provisions to be awarded damages.

The new laws are more employee-friendly than in the past. Employers should ensure they have a clearly outlined procedure for handling requests under USERRA. They should make certain that employees involved in determining the employer response to USERRA requests understand USERRA’s provisions, including those under the Crew and Dole Acts, and the potential penalties involved in non-compliance with USERRA prior to determining whether to grant or deny such requests.

Need Guidance on USERRA Compliance?

If you are an employer who needs assistance regarding a request under USERRA or any other employment law, please contact [Stephanie Gironda](#) or any member of the Wilentz [Employment Law](#) Team.

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