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Sent via Electronic Mail

March 25, 2020

Major General Bret Daugherty
Adjutant General and Director
Washington Military Department
Building 1
1 Militia Drive
Camp Murray, WA 98430-5000

Dear General Daugherty:

I am writing to respectfully offer the following information, which I ask to be shared with Washington National Guard soldiers and airmen as you think appropriate.

My intention in sharing this information is to help make sure Washington National Guard members know where they can go for support in asserting certain legal rights and protections should they be mobilized in response to the ongoing public health emergency.

Washington residents can be grateful knowing that a professional and prepared National Guard is ready to help with the emergency. We are grateful for your selflessness and service. As Attorney General, I want to make sure that any National Guard soldiers and airmen know my office stands ready to support them and their mission of helping keep us all safe.

In anticipation of potential mobilization, my office is sharing the following information so National Guard personnel can quickly and easily find assistance asserting rights and protections under federal and state laws. Such laws exist to allow military service members to focus their full attention on their military responsibilities without adverse consequences for them or their families; in a state of emergency such as this, the focus should be on the mission.

Employment Protections

Both federal and state law have protections to protect the job rights of individuals who have to temporarily leave their civilian job to undertake military service or certain types of service in the National Disaster Medical System. Whether federal or state law applies depends upon the status of the service member:

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- If Washington National Guard members are mobilized under Title 32 status, they are covered by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).
- If National Guard members are mobilized under state active duty, state law offers protections mirroring the federal USERRA protections. Generally, these laws protect service members' positions and status with their employers, so long as service members meet certain requirements, such as providing advance notice of their service and timely re-applying when they return. The Washington State Attorney General's Office has more information about employment protections and tools for service members:
<https://www.atg.wa.gov/employment-protections-veterans-military-personnel>.

Consumer Protections

If any soldier's or airman's active service under Title 32 status extends for a period of more than 30 consecutive days, they are covered by the federal Servicemembers Civil Relief Act (SCRA). The SCRA provides a range of protections, including, for example, a cap on interest rates, rights to terminate residential or automobile leases, and protections against repossession.

More information about the protections offered under the SCRA are available at <https://www.atg.wa.gov/consumer-protections-veterans-military-personnel>. Individuals concerned their SCRA rights may have been violated should [file a consumer complaint](#) with the Washington State Attorney General's Office.

Legal Assistance

The Attorney General's Office of Military and Veteran Legal Assistance may be able to help connect National Guard soldiers and airmen to available civil legal assistance resources. If mobilization is necessary, the office will be prioritizing requests from National Guard members. More information about qualification criteria and how to make a request for help connecting to resources is available at <https://www.atg.wa.gov/legal-assistance-veterans-military-personnel>.

Thank you for sharing this message with all those under your command as you deem appropriate. We are available to provide whatever assistance we can.

I deeply appreciate your service.

Sincerely,



BOB FERGUSON
Attorney General

RWF/jlg