



# Washington State Employment & Reemployment Rights for Uniformed Service Members

Federal and state laws protect the civilian employment rights of military personnel, including members of the National Guard and Reserve. This information sheet provides an overview of the rights and the responsibilities of employers and employees under state law.

## *Applicable Laws*

State law (Chapter 73.16 RCW) protects the employment rights of individuals with military service obligations under state authority\*, such as members of the National Guard ordered to state active duty.

### *Accommodating Military Service*

Under state law, employers must allow employees who are members† of the uniformed services to take unpaid leave as may be necessary for deployment, training, or any other absence due to a military order.

Employees must usually provide advance verbal or written notice of their service. Although there is no minimum period of advance notice, it is a good practice to give as much notice as possible.

Employers are not allowed to require employees to use earned vacation or similar leave for military-related absences. Employers cannot require employees to find their own replacements for military-related absences.

*This information sheet is provided as a resource for general education and is not provided for the purpose of giving legal advice of any kind. The legal rights and responsibilities listed here may or may not apply, depending upon the circumstances. The text of this information sheet was prepared by the Washington State Attorney General's Office in consultation with the Washington Military Department.*

## *Retaliation & Discrimination Prohibited*

Employers may not deny members of the uniformed services any of the following because of their military service:

- Initial employment;
- Retention in employment;
- Reemployment;
- Promotion; or
- Any benefit of employment.

Employers may not use a person's past, present, or future membership in the uniformed services as a motivating factor for an adverse employment action.

Employers may not retaliate against anyone assisting or participating in the enforcement of these rights, even if that person has no service connection.

## *Reemployment Required*

Employers are generally required to reemploy members of the uniformed services following completion of their service obligation, provided that the service member:

- Gave advance verbal or written notice;
- Satisfactorily completed their obligation under honorable conditions; and
- Returns to work or applies for reemployment in a timely manner, which depends upon the nature and length of service.

Employers must reemploy a service member to his or her former position, or a position comparable in seniority, status and pay.

## *Enforcement*

The Washington Attorney General's Office can enforce state law violations after an inquiry has been made by the state's Adjutant General. Visit [www.atg.wa.gov/Veteran-and-Military-Resources](http://www.atg.wa.gov/Veteran-and-Military-Resources) for more information.



\* Federal law protects employment rights of individuals with military service obligations under federal authority. For information and assistance visit [www.dol.gov/vets/programs/userra](http://www.dol.gov/vets/programs/userra) or [www.esgr.mil](http://www.esgr.mil).

† The Washington State Military Family Leave Act covers leave allowed an employee whose spouse is a member of the Armed Forces. For information and assistance visit [www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military](http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military).