

Increased Workplace Protections for Veterans: Dole Act Amends USERRA

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Takeaways

- The Dole Act modifies USERRA's anti-retaliation provisions, potential remedies, and more.
- It expands safeguards for veterans transitioning back to civilian life and returning to work.
- The Dole Act is the most recent enhancement to USERRA, but it is unlikely to be the final one.

Related link

- [Public Law 118-210](#)

Article

The stated purpose of the “[Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act](#)” (Dole Act) is to improve Department of Veterans Affairs programs for home and community-based services for veterans. It also amends and expands employment protections afforded veterans by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

USERRA

Under USERRA, service members who leave civilian employment for military service have the right to return to their former or equivalent positions with the same benefits if certain conditions are met. USERRA prohibits employers from discriminating against employees or applicants based on their military service history, current duties, or future obligations. It also bars employers from retaliating against employees for exercising their rights under USERRA.

Dole Act

The Dole Act amends USERRA to give service members and veterans greater protections upon their return to work. Among other things, the Dole Act:

- Strengthens the anti-retaliation provisions by inserting “or other retaliatory action” after “employment action” in subsection (b) of section 4311 of USERRA.
- Allows service members litigating under USERRA to get early relief through injunctions. Courts can no longer reject a request for an injunction just because the person asking for it may receive lost wages when the case is over.
- Changes potential remedies under USERRA. The Dole Act increases liquidated damages under USERRA for “willful” violations. It explains willful violations occur if a

court determines that the employer knowingly failed to meet the provisions of USERRA. Additionally, the Dole Act allows courts to require employers to pay up to 3 percent interest on awards of backpay or lost benefit. Finally, it changes phrasing surrounding attorneys' fees from "may, in its discretion" to "shall," highlighting service members would be awarded attorneys' fees automatically in successful USERRA litigations.

- Strikes the phrase "encourage noncareer service in the uniformed services" and inserts the phrase "encourage service in the uniformed services" to make clear USERRA protects all service members.

Continuing Efforts

In recent years, lawmakers have increasingly turned to editing USERRA to bolster protections for service members and veterans. In 2022, President Biden signed the "Civilian Reservist Emergency Workforce Act of 2021," or CREW Act, which extended USERRA protections to Federal Emergency Management Agency reservists who deploy to major disaster site.

President Joe Biden signed the Dole Act into law on Jan. 2, 2025, as one of his last acts in office. The Dole Act represents the most recent enhancement, expanding safeguards and support for those transitioning back to civilian life. It is likely not the final update, as efforts to improve and adapt protections continue. We will keep you informed of additional updates as they unfold. Please contact a Jackson Lewis attorney with any questions about compliance with USERRA or other workplace laws.

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