

USERRA

What Does This Acronym Stand For?

Uniformed Services Employment and Reemployment Act.

What Employers Are Covered?

Nearly all employers are covered.

What Employees Are Covered?

- Employee has a civilian job.
- Such employee must give employer notice of military call-up.
- Release must not be for dishonorable or punitive reasons.
- Length of service must be less than five years.

Does Call-Up Include Voluntary as Well as Involuntary?

Yes.

What Does Uniformed Service Include?

Army, Navy, Marine Corp, Air Force, Coast Guard and PHS Commissioned Corps.

How Long May Employee Be Away from Work?

Up to five years but may be extended by two years if disability is involved.

USERRA is Administered by Whom?

DOL through the Veterans Employment and Training Service.

How is a Valid Waiver of Benefits Obtained?

Employee gives a written notice of an interest to return to work after service. Knowledge of any lost benefits must be acknowledged.

What Benefits Does USERRA Guarantee?

- Health benefits automatically reinstated.
- Pension service credits provided for vesting and benefits.
- Right to make up past defined contribution contributions.

Are There Benefits Guaranteed Even If There Is No Reemployment?

Yes – COBRA and conversion rights.

What About Extended Health Care While in Service?

COBRA premiums (paid by employee) up to a maximum of 18 months.

What Time Period is Given to Make Past Defined Contribution Contributions?

Three times years in service not to exceed five years.

Must the Employee Draw Wages/Salary While in Service?

No, unless required by a union agreement.

Do Some States Have Their Own Version of USERRA?

Yes.