

YOUR RIGHTS UNDER USERRA

The Uniformed Services Employment And Reemployment Rights Act

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military services. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Reemployment Rights

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ✓ you ensure that your employer receives advance written or verbal notice of your service;
- ✓ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ✓ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ✓ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Right To Be Free From Discrimination And Retaliation

If you:

- ✓ are past or present member of the uniformed service;
- ✓ have applied for membership in the uniformed service; or
- ✓ are obligated to serve in the uniformed service;

then an employer may not deny you any of the following because of this status:

- ✓ initial employment;
- ✓ reemployment;
- ✓ retention in employment;
- ✓ promotion; or
- ✓ any benefit of employment.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

Health Insurance Protection

- ✓ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ✓ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Enforcement

- ✓ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ✓ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ✓ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, depending on the employer, for representation.
- ✓ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.pdf>. Federal law requires employers to notify employees of their rights under USERRA and employers may meet this requirement by displaying this notice where they customarily place notices for employees. This notification handout is intended to supplement the USERRA notice poster to ensure multi-level compliance.

VETS

**U.S. Department of Labor
1-866-487-2365**

ESGR

**EMPLOYER SUPPORT OF
THE GUARD AND RESERVE
1-800-336-4590**