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UNIFORMED SERVICES EMPLOYMENT & REEMPLOYMENT RIGHTS ACT (USERRA)

1. A FEW WORDS ABOUT THIS BOOKLET

This pamphlet is intended to provide a brief overview of the law governing the Uniformed Services Employment and Reemployment Rights Act (USERRA). If you need more detailed information, we encourage you to discuss your specific situation with a legal professional. The attorneys in the base legal office **cannot represent** you in court. There are various Legal Referral Services in Colorado that can help you in your search for a civilian lawyer. Please refer to last page of this pamphlet for *Helpful Contact Information*.

2. WHAT IS THE PURPOSE OF USERRA?

USERRA encourages non-career military service by minimizing civilian employment problems resulting from such service. USERRA prohibits discrimination and acts of reprisal against members who serve in the uniformed services. An employer including any government or private entity, regardless of size, may not deny a person initial employment, promotion, or any benefit of employment because the person performed or is obliged to perform service in a uniformed service.

3. HOW IS “UNIFORMED SERVICES” DEFINED?

Uniformed services means the Air Force, Army, Navy, coast Guard, Marine Corps and the commissioned corps of the Public Health Service. Service in the uniformed services means performing duty on a voluntary or involuntary basis in a uniformed service. It includes active duty, active and inactive duty for training, initial active duty for training, full-time National Guard duty,

The information provided in this document is meant for the sole use of Active Duty service members, retirees, their families, and those individuals eligible for legal assistance. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibility vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

4. WHAT IS THE ELIGIBILITY CRITERIA?

To have reemployment rights following a period of uniformed service, a person must meet all of the following eligibility criteria:

- (a) Must have held a civilian job, which may include temporary jobs;
- (b) Must have given advance notice to the employer that they were leaving the job for service in a uniformed service, unless such notice is impossible or unreasonable;
- (c) The period of service does not exceed five years;
- (d) Must have been released from service under honorable conditions; and
- (e) Must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment

5. WHAT ENTITLEMENTS DOES AN INDIVIDUAL HAVE UNDER USERRA?

People who meet the eligibility criteria under USERRA have the following entitlements:

- (a) Prompt reinstatement
- (b) Accrued seniority, as if the person had been continuously employed
- (c) Immediate reinstatement of civilian health insurance coverage, if the member does not elect to continue it during service
- (d) Other non-seniority benefits, as if the person had been on a furlough or leave of absence, such as holiday pay or bonuses
- (e) Training or retraining and other accommodations
- (f) A person reemployed by an employer shall not be discharged except for cause

6. WHO CAN ASSIST?

The Veterans' Employment and Training Service with the U.S. Department of Labor will assist persons claiming rights under USERRA, including persons claiming rights with respect to the federal government as a civilian employer. In addition, the Office of Employer Support for the Guard and Reserve (ESGR) will also assist service members in enforcing USERRA. Their phone is 1-800-336-4590.

HELPFUL CONTACT INFORMATION

Veterans' Employment and Training Service
U.S. Department of Labor
200 Constitution Avenue, N.W., Room S-1325
Washington, D.C. 20210
<http://www.dol.gov/vets>

Office of Employer Support for the Guard and Reserve (ESGR)
4800 Mark Center Drive-Suite O3E25
Alexandria, VA 22350-1200
Email: USERRA@osd.mil
Phone: 1-800-336-4590
<http://www.esgr.org>

Other Helpful Contacts:

El Paso County Bar Association's Lawyer Referral Service: (719) 636-1532
Colorado Legal Services: (303) 837-1321
Legal Aid Foundation of Colorado: (303) 863-9544
Metropolitan Lawyer Referral Service: (303) 831-8000
Denver Bar Association: (303) 831-1309

Websites:

<https://aflegalassistance.law.af.mil>

http://www.denbar.org/index.cfm/ID/1102/DBA/For_the_Public

<http://coloradolegalservices.org/co/homepage.html>

<http://www.legalaidfoundation.org/services.html>