



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 service or certain types of service in the National Disaster Medical System. 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.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a 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:

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

because of this status.

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, as applicable, 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. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



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



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date—July 2008


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Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. § 4301 – 4335) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other "uniformed services:" (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service. The federal government is to be a "model employer" under USERRA (38 U.S.C. § 4301).



[Download USERRA Poster](#)

A requirement of USERRA (38 U.S.C. 4334) is for Employers to "provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees." The US Department of Labor/Veterans' Employment and Training Service (DOL/VETS) has developed a USERRA Poster that meets this requirement.

ESGR Ombudsman Services Program

The ESGR Ombudsman Services Program was established to provide information, counseling, and mediation on issues related to the Uniformed Services Employment and Reemployment Rights Act (USERRA). ESGR Ombudsman Services consists of a Customer Service Center to answer phone calls and e-mails involving USERRA questions. Specially trained Ombudsmen are available to assist members of the Guard and Reserve in resolving disputes with their civilian employers related to military service in the Uniformed Services through mediation. ESGR Ombudsmen are volunteers located throughout the US and US Territories.

ESGR's Customer Service Center is available for anyone with a USERRA question. ESGR's Customer Service Center can be reached Monday thru Friday (except Federal Holidays) 8AM to 6 PM (EST) (@ 1-800-336-4590 (option 1), by e-mail USERRA@osd.mil, or by submitting an Online USERRA Support Request.

When a conflict arises, at the request of a servicemember a local ESGR Ombudsman can be assigned to assist in resolving the dispute or conflict through mediation. The ESGR Ombudsman will remain neutral, listen to what the servicemember (employee) and employer have to say and provide them information from USERRA and/or the US Code of Federal Regulations to help guide them in reaching an agreement on how to resolve the issue(s). If an

Ombudsman Services

1-800-336-4590, opt 1

USERRA@osd.mil

ATTN: Ombudsman Services,
1555 Wilson Blvd
Arlington, VA 22209

Search USERRA Information

[Search](#)

The Law:

- [USERRA FAQ](#)
- [The Law: HTML format](#)
- [The Law: Adobe PDF](#)
- [20 Federal Code of Regulations Part 1002 For Private employers, state and local governments](#)
- [5 Federal Code of Regulations Part 353 For Federal Government Agencies](#)

USERRA Support:

- [Request USERRA Support](#)
- [USERRA 101 Training](#)

USERRA Handouts:

- [USERRA Fact Sheet](#)
- [Tips for Employers](#)
- [Tips for Military](#)
- [Employer Resource Guide](#)
Information for Employers of Reserve component members.

Sample Letters/Forms:

- [Sample Notification Letter](#)
- [Sample Reemployment Letter](#)
- [Sample Letter from Commander to Employer](#)
- [Military Leave of Absence Form](#)

Links:

- [Department of Labor Veterans Employment and Training Service](#)
- [Department of Justice Complaints](#)

agreement cannot be reached, the Ombudsman will notify the servicemember and employer that the servicemember can file a case with the US Department of Labor/Veterans' Employment and Training Service or hire a private attorney.

- [Law Review Archive from the ROA](#)
- [Office of Special Counsel Case Summaries](#)
- [State and Territorial Support for Guard and Reserve](#)
- [USERRA Non Technical Guide](#)
- [Volunteer Mediation By Susan G. Perin](#)

**Ombudsman
Services**

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1**

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1555 Wilson Blvd
Arlington, VA 22209**