



Department of Defense Photograph

INTENT: *To minimize the disadvantages to an individual that may occur when he or she needs to be absent from his or her civilian employment to serve in the uniformed services.*

**ALL EMPLOYERS
MUST COMPLY**

USERRA does not require an employer to pay an employee while on leave performing uniformed service, however, an employer is free to do so if desired.



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When Leaving

The employer must provide COBRA-like benefits continuation while on leave. *(Even when employers are not covered by COBRA)*

Upon Return

Health insurance coverage must be reinstated with no waiting period and no exclusions for pre-existing conditions.

Re-employment Rights

Service greater than 90 days

1. Position they would have held if continuously employed – same seniority, status, pay (escalator principal).
- or-
2. Pre-service position
- or-
3. Nearest approximation of (1) – with full seniority.

Other rights apply to those with service of 90 days or less.

FMLA

Time spent on active duty should be included when considering the eligibility of an employee for leave under the Family and Medical Leave Act.

Hours worked for civilian employer should be combined with hours that would have been worked but for the military service.



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USERRA*

Is your company in Compliance?



Under USERRA:



- The cumulative length of time that an individual may be absent from work for military duty and retain employment rights is 5 years.
- Re-employment protection does not depend on the timing, frequency, duration or nature of an individuals' service.
- Enhanced protection is provided for disabled veterans.
- Service members are able (but not required) to use accrued vacation or annual leave while performing military duty.

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Helping you conquer the complexities of USERRA administration

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USERRA Administration
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