



Region Legal Service Office, Mid Atlantic Legal Assistance Department

Uniform Services Employment and Reemployment Rights Act (USERRA)

1. The **Uniformed Services Employment and Reemployment Rights Act (USERRA)** guarantees an employee returning from military service or training the right to be reemployed at his or her former job (or as nearly comparable a job as possible) with the same benefits. USERRA applies to virtually all employers, regardless of size, including the Federal Government.
2. **USERRA protects not only a reservist's job, but also his or her position within the organization:**
 - a. USERRA prohibits discrimination against reservists by their civilian employer and requires reemployment after mobilization.
 - b. When reemploying the reservist, the employer must return the reservist to a similar position of similar seniority, similar pay, and similar retirement benefits.
 - c. When reemploying the reservist, the employer must provide retraining if necessary.
3. **To ensure reemployment after a call to active duty, reservists MUST:**
 - a. Notify the employer of your upcoming call to active duty (provide a copy of orders along with written notification).
 - b. Receive an Honorable or General discharge (if the employee received a discharge after active duty time).
 - c. Reapply for the job in a "reasonable amount of time."
4. **A "reasonable amount of time" means:**
 - a. If active for <31 days, you must reapply at the beginning of the first regularly scheduled work period, after taking the time required to return home safely, followed by an 8 hour rest period.
 - b. If active for 31-180 days, you have 14 days to reapply.
 - c. If active for 181 or more days, you have 90 days to reapply.
 - d. A service related illness or injury extends the reapplication deadline to 2 years during recovery.
5. The total length of service requiring your absence from civilian job **cannot exceed five years.**
6. **The U.S. Department of Labor's Veterans' Employment and Training Service (VETS) administers USERRA:** Specific questions should be addressed to the regional and state directors of the Veterans' Employment and Training Service, listed in the VETS telephone directory:
<http://www.dol.gov/vets/aboutvets/contacts/main.htm>.
 - a. An interactive system, the USERRA Advisor, answers many of the most-often-asked questions about the law. It can be found in the "elaws" section of the Department of Labor's home page at www.dol.gov/elaws/userra.htm.
 - b. Support for reservists dealing with USERRA issues can be obtained by visiting the VETS website at <http://www.dol.gov/vets/>. In Virginia, call (804) 786-7270/7269/6599.

This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>