Uniformed Service Employment and Reemployment Rights Act of 1994

USERRA

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Great to know - References

- [http://dod.hawaii.gov/hro/technician-resources/benefits/userra/](http://dod.hawaii.gov/hro/technician-resources/benefits/userra/)
- [https://www.opm.gov](https://www.opm.gov)
- [https://www.benefeds.com/](https://www.benefeds.com/)
- [https://www.tsp.gov/](https://www.tsp.gov/)
- [https://www.esgr.mil/USERRA/What-is-USERRA](https://www.esgr.mil/USERRA/What-is-USERRA)
- [https://www.dol.gov/vets/programs/userra/](https://www.dol.gov/vets/programs/userra/)


Agenda

- References
- What is USERRA?
- Who is Affected?
- Chart of Responsibilities
- Reservist Differential
- Against my 5 Year
- Leave Chart
- Employee Benefits
- USERRA Election Packet Overview
  - Absent-US: Checklist
  - Return to Duty: Checklist
- Restoration Rights
- Questions
Objectives

• Gain knowledge on the agency process for USERRA

• Know websites to use and assist employees

• Be the link between the employee and HRO

• Prevent or minimize personnel issues and backlog
What is USERRA?

- USERRA protects civilian job rights and benefits for veterans and members of the Active and Reserve components of the U.S. Armed Forces.

- USERRA provides that returning service members must be promptly reemployed in the same position that they would have attained had they not been absent for military service.
Who Does it Affect?

- USERRA applies to persons serving in the active components of the Armed Forces

- USERRA applies to virtually all employers, public or private in the United States, regardless of size, including the Federal Government
## Chart of Responsibilities

<table>
<thead>
<tr>
<th>Personnel</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| **Employee** | • Communicate with supervisor  
• Complete/provide appropriate documents  
• Timely notification of intent to exercise restoration rights  
**Notice may be verbal however paperwork needs to go through chain**|
| **Supervisor** | • Coordinate/input employees SF52 and supporting doc. in DCPDS  
• Communication of employees status|
| **HRO** | • Advising the technician program of the rights and provisions of USERRA.  
• Process personnel actions according to the USERRA checklist and SF52 provided by the field. |
Technician ordered to perform military orders

Technician lets supervisor know Absent-US or Separation-US (1 week)

Supervisor assist in filling out USERRA with Technician (1 week)

Supervisor works with data entry personnel to input in DCPDS, upload documents (2-3 days)

Submit to the HI_ACTION_REQ Or HIHRO_LIAISON (1-2 Weeks)

Management Analyst verifies and sends to HIHRO_ERS Box for Processing (1 week)

HIHRO_ERS Box process by Human Resources Assistant of Services Section (1-2 weeks)

HRA ensures process requests TSP-41, Terminate FEHB, Premium Conversion Form, etc. (3-5 days)

Prepared personnel actions for Approving Authority (1 day)

Action Approved, flows eOPF (1-2 days)

Check DCPDS to see action properly flowed (1 day)

Make adjustments if necessary (1 week)
What is Reservist Differential?

- Department of Defense must pay a reservist differential payment to *eligible* technicians who are orders to active duty under provisions of law defined in 10 USC 101(a)(13)(b)

- The purpose of the reservist differential is to ensure no loss of pay while serving on military orders. Civilian pay exceeds military pay
Reservist Differential

Titles performed under these nine qualifying:

10 USC 331
10 USC 332
10 USC 333
10 USC 688
10 USC 12301(a)
10 USC 12302
10 USC 12304
10 USC 12305
10 USC 12406
## Leave Chart

<table>
<thead>
<tr>
<th>NAME</th>
<th>CODE</th>
<th>REGULATION</th>
<th>WHEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Leave</td>
<td>LA</td>
<td>5 USC 6304</td>
<td>Anytime (after CT if applicable)</td>
</tr>
<tr>
<td>Compensatory Time for Travel</td>
<td>CF</td>
<td>5 USC 5550b</td>
<td>Anytime (after CT if applicable)</td>
</tr>
<tr>
<td>Reg. Comp. Time</td>
<td>CT</td>
<td>5 USC 6123(a)(1)</td>
<td>Must be used prior to any other authorized paid leave</td>
</tr>
<tr>
<td>Military Leave</td>
<td>LM</td>
<td>5 USC 6323</td>
<td>Anytime (after CT if applicable)</td>
</tr>
<tr>
<td></td>
<td></td>
<td><em><strong>Not eligible under NDAA 2017 Sec 513</strong></em></td>
<td></td>
</tr>
<tr>
<td>Non-Pay Status</td>
<td>KG</td>
<td>5 CFR 353.106</td>
<td>Anytime (after CT if applicable)</td>
</tr>
<tr>
<td>Sick Leave</td>
<td>LS</td>
<td>5 USC 6307</td>
<td>Only if applicable , must be approved by HRO)</td>
</tr>
<tr>
<td>5-day Presidential Leave</td>
<td>LV</td>
<td>Public Law 104-206</td>
<td>Before returning to duty (if applicable)</td>
</tr>
<tr>
<td>22-Day Law Enforcement Leave</td>
<td>LL</td>
<td>Public Law 108-136</td>
<td>Before returning to duty (if applicable)</td>
</tr>
<tr>
<td>44-Day Military Leave</td>
<td>LV</td>
<td>Public Law 104-206</td>
<td>Before returning to duty (if applicable)</td>
</tr>
</tbody>
</table>
FEHB

Employee is eligible for continued coverage for up to 24 months when called to active duty

Non-Contingency: Employee pays for premium for the first 12 months and the second 12 months pays for agency and employee premiums (102%)

Contingency: Agency pays for premiums
Federal Employees Group Life Insurance (FEGLI):

- Employee is eligible for coverage continues until the technician’s times in a non-pay status totals 12 months at no cost of the technician.

Thrift Savings Plan (TSP):

- Returning employees have the opportunity to make up missed contributions. Agency matching and automatic 1%.
- TSP-41 Loan
- 1-877-968-3778
Employee Benefits

Tech Calls:
1-877-888-3337
*Must keep up with payments to avoid lapse in coverage*

Tech Calls:
1-877-372-3337
*Must notify about status of Absent-US and Return to Duty*

Tech Calls:
1-800-582-3337
*Must keep up with premium payments to prevent a cancellation of coverage*
Employee Benefits

National Guard Association of the United States (NGAUS)

• Disability/Supplemental Insurance - Exclusively for the Air and Army National Guard federal technicians.

• Protection when you are unable to work due to a disability.

• Payroll deductions

• Contact Information:

  ReliaStar Life Insurance Company
  Route Number 8947
  20 Washington Ave South Minneapolis, MN 55401
  ☎ 1-800-955-7736 Ext. 342-3155  ✉ FAX: 1-612-372-5301
Military Deposit

Retirement

• Reminder: Military deposit will need to be paid prior to retirement or separation to be creditable for retirement.

• Processing time for military deposits requires approximately, at the least, 120 days.
USERRA Election Packet Overview

Health Benefits

Office as soon as you retire. You must wait 27 days after you are retired before being insured under FEHB coverage and you will need to contact your employing office within 60 days of return to civilian duty to elect to make retroactive TSP contributions and elections.

___ I understand that if I am restored to my civilian position under USERRA, I may make retroactive TSP contributions and elections, including missed catch-up contributions, if otherwise eligible. I understand that I will need to contact my employing office within 60 days of return to civilian duty to elect to make retroactive TSP contributions and elections.

___ I understand that my retroactive contributions and elections will be reduced if I contributed to TSP as a uniformed service member while on active duty. I understand that if I contribute to my uniformed services TSP account while on active duty, I am responsible for providing ALL my military LES forms as documentations those contributions.

___ I currently have an outstanding TSP loan. I request that my employee office notify TSP of my non-pay status under USERRA so that my loan payments will be suspended. I understand that I cannot make a loan payment to my civilian account as a deduction from my military pay, and that interest will accrue while my loan payments are suspended. I also understand that I must notify my employing office immediately upon return to civilian duty so they may notify TSP of same, in order to avoid a taxable distribution. My TSP loan number(s) is: ________________________

Acknowledgement: My elections for this period of military active duty are marked above and I understand my elections. I understand that I must notify my supervisor and employee office when my tour is completed.

Print and Sign Name: ____________________________ Date: __________________

DOD USERRA ELECTION

a) I want to use part of my
b) I want my annual leave
c) I want to be paid a lump sum for my annual leave balance.

OR

___ I want to terminate my leave benefit election regarding health insurance.
USERRA Election Forms – Absent – Uniformed Service

USERRA Absent-US Checklist

- USERRA Absent-US Election Form (October 2017)
- Military Orders
- Premium Conversion
- FEGLI Notice and Election Form
- TSP-41 (If Applicable)
USERRA Election Forms – Return to Duty

USERRA RTD Checklist

- USERRA RTD Election Form
- Military Orders (All amendments) and DD 214s
- Premium Conversion
- TSP-41 (If Applicable)
What counts against my 5-year limit for reemployment rights?

Exemptions

- Involuntary active duty in wartime
- Involuntary active duty for national emergency up to 24 months
- Ordered to active duty in support, as determined by the Secretary of the military departments, or critical mission requirement
- Active duty in support of a war and national emergency

https://www.dol.gov/vets/vms/userra/ex43.doc
You have the right to be reemployed in your civilian job if you leave to perform uniformed service and:

- You ensure your employer received advance written or verbal notice.

- You have 5 years or less cumulative service in the uniformed service with that particular agency.

- You return to work or apply for reemployment in a timely manner after conclusion of service.

- 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*
Reemployment Rights

- Limits reemployment rights to five cumulative years with the same employer
- Military deposit required to be paid prior to separation or retirement
- Reemploymennts rights if military service as follows:
  - **Less than 31 days**, report back to work on the next scheduled work day
  - **More than 31 days but less than 180 days**, must apply to return within 14 days following release from military service
  - **More than 181 days**, must apply to return within 90 days following the release from military service
Questions??