

# *Uniformed Service Employment and Reemployment Rights Act of 1994*

## **USERRA**

**Miss. Jessica D'Amato**  
**Human Resources Specialist**  
**Employee Benefits**  
**(808) 672-1234**  
**[jessica.m.damato2.civ@mail.mil](mailto:jessica.m.damato2.civ@mail.mil)**



# Great to know - References

- <http://dod.hawaii.gov/hro/technician-resources/benefits/userra/>
- <https://www.opm.gov>
- <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/#url=Reservist-Differential>
- <https://www.benefeds.com/>
- <https://www.ngaus.org/protecting-guard-members-and-their-families/technicians-insurance>
- <https://www.tsp.gov/>
- <https://www.esgr.mil/USERRA/What-is-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.**

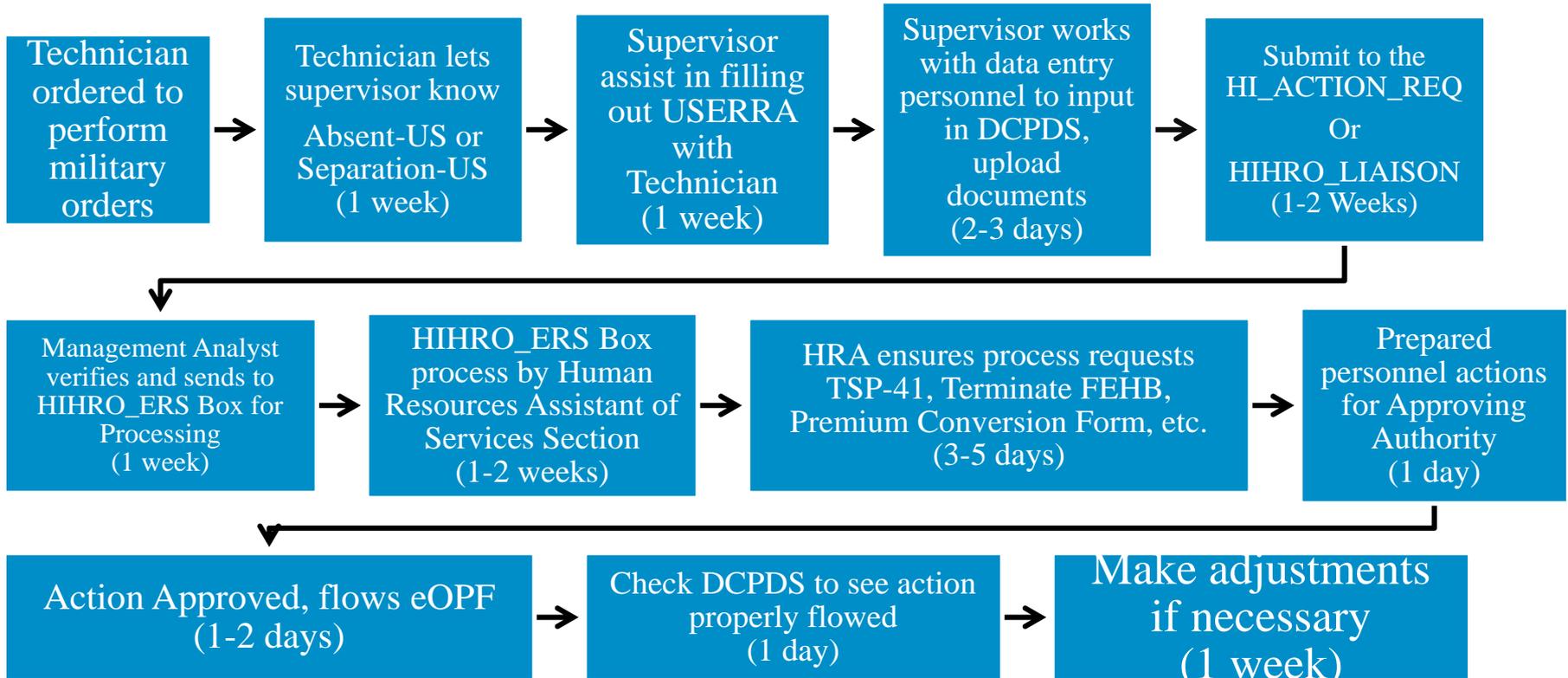
# Who Does it Affect?

- **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

Personnel	Responsibilities
<b>Employee</b>	<ul style="list-style-type: none"><li>• Communicate with supervisor</li><li>• Complete/provide appropriate documents</li><li>• Timely notification of intent to exercise restoration rights</li></ul> <p>**Notice may be verbal however paperwork needs to go through chain**</p>
<b>Supervisor</b>	<ul style="list-style-type: none"><li>• Coordinate/input employees SF52 and supporting doc. in DCPDS</li><li>• Communication of employees status</li></ul>
<b>HRO</b>	<ul style="list-style-type: none"><li>• Advising the technician program of the rights and provisions of USERRA.</li><li>• Process personnel actions according to the USERRA checklist and SF52 provided by the field.</li></ul>

# Flow Chart



# Reservist Differential

## *What is Reservist Differential?*

- **Department of Defense must pay a reservist differential payment to *eligible* technicians who are ordered 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**

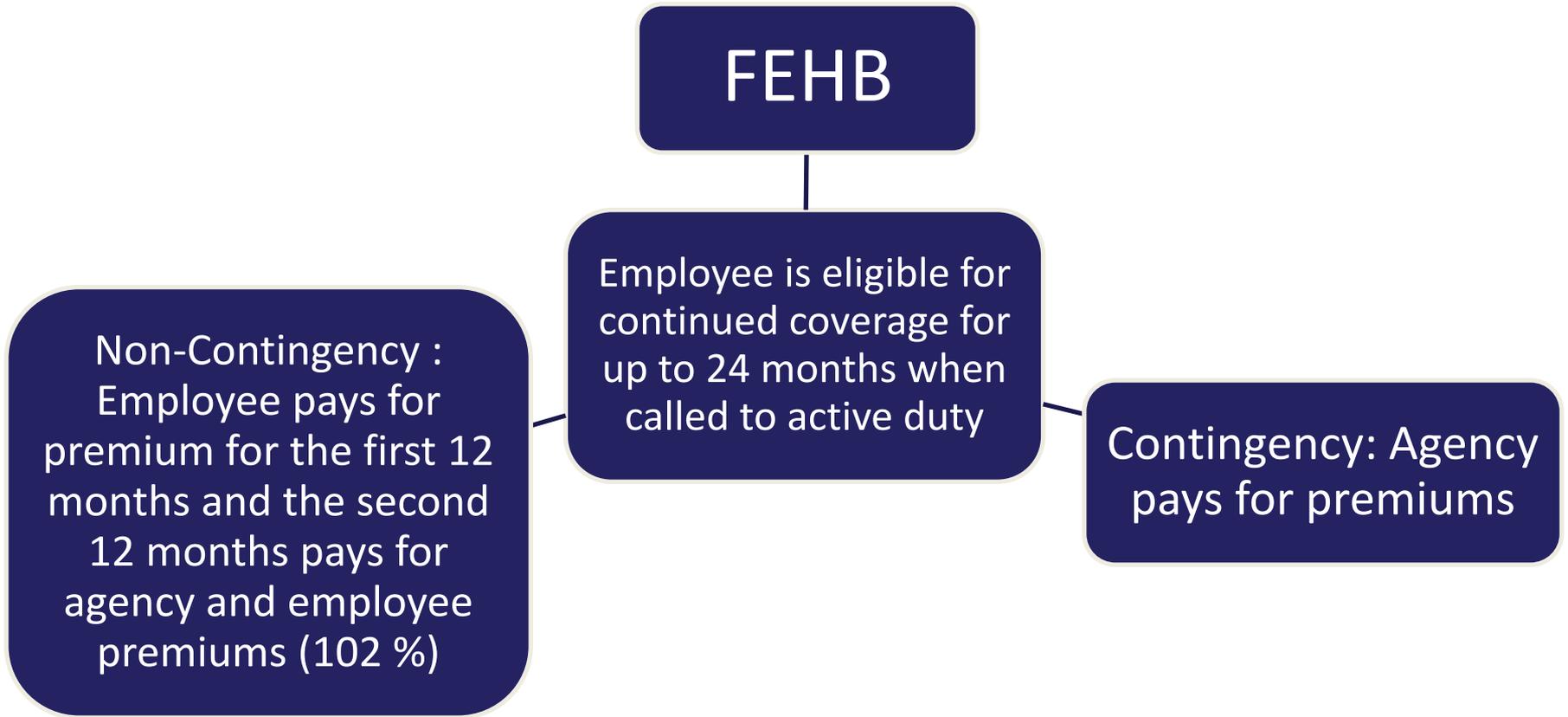
**10 USC 12406**

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# Leave Chart

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

# Employee Benefits



# Employee Benefits

## 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 BENEFIT**  
*Office as soon as you return to civilian duty that FEHB coverage does not terminate.*

**My military service election regarding health benefits.**

**I want to terminate my health benefits the day I am separated, but I want to continue my health benefits for \_\_\_\_\_ months of continued Federal service (i.e. the effective date of my return to civilian duty).**

**LEAVE**

a)  I want to use part of my annual leave balance.

b)  I want to use my annual leave balance.

c)  I want my annual leave balance to be paid as a lump sum.

OR

d)  I want to be paid a lump sum for my annual leave balance.

**Thrift Savings Plan: (Initial that you understand)**

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: \_\_\_\_\_

# 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)

**FEGLI Notice and Election Form**

I have read the information on this form and I understand it. I agree to the terms and conditions of this form. (Please initial on the back of this form.)

**THRIFT SAVINGS PLAN** TSP-41  
**NOTIFICATION TO TSP OF NONPAY STATUS (AGENCY USE)**

This form is for agency use only. Full instructions are on the back.

**I. INFORMATION ABOUT THE TSP PARTICIPANT**

1. The nonpay status applies to the participant's:  Civilian Account OR  Uniformed Services Account

2. Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

**II. TYPE OF NONPAY NOTIFICATION**

4. **Beginning of nonpay** — Complete when the participant enters nonpay status.  
 Reason for Nonpay:  Military Service  Other  
 Nonpay Start Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

End of nonpay — Complete only after the participant returns to pay status.  
 Nonpay End Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

6. **Correct the reason for nonpay or start date** previously submitted for this participant:  
 Reason for Nonpay:  Military Service  Other  
 New Start Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

7.  **Cancel a nonpay start date** previously submitted for this participant.  
 Complete Item 8.

8. Enter the Nonpay Start Date previously submitted: \_\_\_\_/\_\_\_\_/\_\_\_\_

**III. AGENCY CERTIFICATION — Please complete this entire section.**

9. Signature of Agency Official: \_\_\_\_\_ 10. Date (mm/dd/yyyy): \_\_\_\_/\_\_\_\_/\_\_\_\_

11. Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

12. Agency Name: \_\_\_\_\_

13. Foreign address?  Check here. 14. Street Address or Box Number for Agency Official (For a foreign address, see instructions on back): \_\_\_\_\_

15. Street Address Line 2: \_\_\_\_\_

16. City: \_\_\_\_\_ 17. State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

18. Agency Telephone (Area Code and Number): \_\_\_\_\_ 19. Agency Fax: \_\_\_\_\_

**Do Not Write Below This Line**

FORM TSP-41 (8/2012)  
 PREVIOUS EDITIONS OBSOLETE

Reproduce Locally



# 5 Year limit for Reemployment Rights

**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>

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# Reemployment Rights

**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
- Reemployments 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??

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