

You Have Rights to Reemployment— If Called to Active Military Duty



The Uniformed Services Employment and Reemployment Rights Act (USERRA) gives

members of the Judicial Retirement System (JRS) serving in all branches of the military reemployment rights if they are called into active military service.

This service may be voluntary or involuntary and you must leave the military in good standing to qualify for reemployment. If you are called to active duty, you must notify your employer in advance, either verbally or in writing, unless giving notice is impossible, unreasonable, or precluded by military necessity.

The time period you have to apply for reemployment or report back to work after military service is based on time spent on military duty. For example, **for service of more than 180 days, you must submit an application for reemployment within 90 days** of honorable discharge from active

duty. **For service of more than 30 days but less than 181 days, you must submit an application for reemployment within 14 days** of release from service. For service of less than 31 days, the time period is very short.

If you are called to active military duty, you will need to claim the service for credit upon your return to employment. To do so, submit a written request, along with a copy of your discharge papers, to the Division. You must then pay the employee contributions that would have been due for this period to receive service credit.

USERRA provides that you are reemployed in the job that you would have attained had you not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or

upgrade their skills to help them qualify for reemployment.

Administrative Order 213 allows state employees to continue health benefits when called to active duty in support of conflicts in Iraq and Afghanistan.

Complete, detailed information about USERRA may be found online from the Department of Labor, **Veterans Employment and Training Service**. A publication titled, *A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA)*, is available at www.dol.gov/vets/programs/userra/Right_Act4_2005.pdf.