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THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ✱ you ensure that your employer receives advance written or verbal notice of your service;
- ✱ you have five years or less of cumulative service in the uniformed service while with that particular employer;
- ✱ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ✱ 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 reinstated to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ✱ are a past or present member of the uniformed service;
- ✱ have applied for membership in the uniformed service; or
- ✱ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ✱ initial employment;
- ✱ reemployment;
- ✱ retention in employment;
- ✱ promotion; or
- ✱ any benefit of employment.

because of this status.

In addition, an employer may not retaliate against anyone asserting in the enforcement of USERRA rights, including assisting or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ✱ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ✱ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

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