

DATE: March 18, 2005

PERSL #1390

TO: Human Resource Directors/Designees

FROM: Paul Larson, Deputy Commissioner

Labor Relations and Total Compensation Division

PHONE: (651) 296-8274

RE: New USERRA Notice of Rights and Benefits

The Veterans Benefits Improvement Act of 2004 was signed into law on December 10, 2004. As a result, there have been two significant changes to the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA sets out employment reinstatement and benefits rights for service members.

As of March 10, 2005, all employers are required to notify employees of their rights under USERRA. The notice must explain what rights and protections employees have under the Act, including the right to re-employment after uniformed service, freedom from discrimination and retaliation for serving in uniform, and certain health insurance protections. The U.S. Department of Labor has prepared a poster that an employer can use to fulfill the requirement. The poster is available at www.dol.gov/vets/programs/userra/poster.pdf. The notice must be posted in a prominent place where employees customarily check for such information.

In addition to the notice requirement, the second change to USERRA concerns health benefits. Under the State Employee Group Insurance Program, reservists on leave from state service for more than thirty (30) days are able to elect, at their own expense, single or family health insurance for the duration of their leaves. However, under USERRA, if reservists do not elect coverage for themselves, family members may elect to continue health benefits under COBRA, at their own expense, for up to twenty-four (24) months instead of the previous limitation of eighteen (18) months. The 24-month benefit applies only to elections made on or after December 10, 2004. The 24-month period runs from the date the employee's absence began.

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