



HUMAN RESOURCES DEPARTMENT

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FACT SHEET FOR EMPLOYEES IN THE UNIFORMED SERVICES

This is intended only as a brief overview of your USERRA rights.
(Refer to “Benefits Information Sheet” for additional benefits information).

Giving Notice: The Uniformed Services Employment and Reemployment Rights Act (USERRA) (Title 38, U.S. Code, Chapter 43, Sections 4301-4333) requires that service members provide advance written or verbal notice to their employer for all uniformed service (i.e. military duty or training) unless giving notice is impossible, unreasonable, or precluded by military necessity.

Leave: Any regular employee called to uniformed service will be entitled to Military Leave in accordance with the Larimer County Personnel Policy & Procedure 331.6. Any regular employee who is a member of an organized military reserve unit of the United States Government and on active military duty or training will be granted, per calendar year, a maximum of 15 work days of County paid leave, including necessary travel time. For Military Leave purposes, a “work day” is defined as the number of hours an employee was or would have been scheduled to work on a day missed due to active military duty or training. The employee may keep his or her regular County pay and his or her military pay.

Temporary employees are not entitled to paid or unpaid Military Leave.

Benefit Coverages: Eligible employees performing federal active military duty for more than 30 days may elect to continue County-sponsored health plan programs for up to 24 months. However, the employee will be required to pay the full premium after the first 30 days of leave without pay. Coverage under Tri-Care should be coordinated with your military unit prior to departure.

Retirement Benefits: Employees in the uniformed service are treated as if they had been continuously employed for retirement purposes, which include vesting and monthly contributions.

Family and Medical Leave Act: Uniformed service time counts toward hours worked for FMLA eligibility.

Pay: The returning service member is entitled to his or her pre-service rate, adjusted by merit increases and/or market adjustments that would have been effective during his or her absence.

Employment Status: Probationary employees returning from uniformed service will be reemployed at the same point in their probationary period at which they left. For example, a six-month probationary employee who leaves for uniformed service after completing four months of the probationary period will be reemployed with two months of the probationary period to be completed.

Leave Accrual: If an employee on paid or unpaid military leave would have been entitled to an increase in his or her vacation or sick leave accrual rates while on active duty, the employee will earn vacation and/or sick leave at the new rate upon return to County employment.

Reemployment Rights: In order to be reemployed by Larimer County at the conclusion of uniformed service, the individual must meet the following conditions or eligibility service, in accordance with the provisions of USERRA:

1. Must hold a regular County job (jobs held for a brief, nonrecurrent period with no reasonable expectation of continuing for a significant period do not qualify).
2. Must have given written or verbal notice to supervisor prior to leaving the job for military training or service except when precluded by military necessity.
3. Must not have exceeded the 5-year cumulative limit on periods of uniformed service.
4. Must have been released from uniformed service under conditions other than dishonorable.
5. Must report back to the County in a timely manner or submit a timely application for reemployment. Time limits are:
 - a. Military Service Less Than 31 Days: Employees must report for reemployment “at the beginning of the first full regularly scheduled working period on the first full calendar day following completion of service and expiration of eight hours after time for safe transportation back to his or her residence.”
 - b. Military Service More Than 30 Days but Less Than 181 Days: Employees must submit an application for reemployment (written or verbal) no later than 14 days after completion of service.
 - c. Military Service over 180 Days: Employees must submit an application for reemployment (written or verbal) no later than 90 days after completion of service.

If an employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service, he/she must report to or submit an application for reemployment at the end of the period necessary for recovering from the illness or injury. This period may not exceed two years from the date of the completion of service. In addition, the two-year period could be further extended by the “minimum time required to accommodate the employee’s disabilities.”

Five-Year Limit Defined: An employee is not entitled to reemployment or other benefits provided by USERRA if his or her cumulative period of absence for uniformed service, from the County, exceeds five years. For this purpose, periods of uniformed service shall not include:

1. Service required beyond five years to complete an initial period of obligated service (Section 431(c)(1)).
2. Service from which a person, through no fault of the person, is unable to obtain a release within the five year limit (Section 4312(c)(2)).
3. Required training for reservists and National Guard members (Section 4312(c)(3)).
4. Service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations (Section 4312(c)(4)(A)).
5. Service under an order to, or to remain on, active duty (other than for training) because of a war or national emergency declared by the President or Congress (Section 4312(c)(4)(B)).
6. Active duty (other than for training) by volunteers supporting “operational missions” for which Selected Reservists have been ordered to active duty without their consent (Section 4312(c)(4)(C)).
7. Service by volunteers who are ordered to active duty in support of a “critical mission or requirement” in times other than war or national emergency and when no involuntary call up is in effect (Section 4312 (c)(4)(D)).
8. Federal service by members of the National guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States (Section 4312(c)).