



Your job rights and responsibilities as a member of the Guard or Reserve

When you need to leave a civilian job for deployment, drills or annual training, you have legal rights that protect your job. You also have responsibilities that can help strengthen your relationship with your employer.

Your protections

When you fulfill your military duty for the National Guard or Reserve, whether it's a deployment, or monthly or annual training, you have certain rights that are guaranteed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), the federal law that protects service members from discrimination or retaliation by their civilian employers. Here are some of the most important rights outlined in the law.

- You must be permitted by your employer to miss work to fulfill your military duties—that includes a deployment, a monthly drill or annual training. It's highly recommended that you work to give your employer as much advance notice as possible.
- If you are away for an extended time because of your duty and meet certain conditions, your employer must give you your job back (or a comparable job) when you return, and you must be allowed to resume a position that's at the level you would have achieved had you not been absent and provided you meet certain conditions.
- You must receive the same seniority, status and pay, as well as other rights and benefits determined by that seniority. And if you don't qualify for those seniority benefits, then your employer must offer you an alternative position.

- While you're on military duty, you have the option to remain on your employee-sponsored health insurance plan for up to two years. At UPS, you also have the option to keep your family on your employee-sponsored insurance plan while you are on military duty. All employee pension plans are also protected.
- If you are disabled, your employer is required to make reasonable efforts to accommodate your disability.
- If you're recovering from injuries you received during service or training, you have up to two years from the time you completed your service to return to your job or apply for re-employment.
- You can be absent from work for military duty for up to five years (cumulatively) and still retain your re-employment rights.
- You cannot be denied employment or a promotion, or be discriminated against on the job, because of your military commitment.

Other USERRA rights can vary depending on the circumstances, but they protect and benefit you and your loved ones, so it's important to know them. Visit dol.gov/vets/programs/userra to learn more.

Your responsibilities

To be eligible for reinstatement following your service, you must abide by these conditions:

- Provide prior notice to your employer that you will be absent from your employment due to military service. You should give that notice as early as you have information of your departure. Guard members sometimes know their drill schedules for the entire year in advance. Providing your employer these timetables will put your company in the best position to adjust to your absence.
- Leave your place of employment for the purpose of performing military service.
- Serve under honorable conditions for USERRA to apply.
- Not be absent for more than five cumulative years from any one employer, performing military service (with some exceptions).
- Apply for re-employment or report back to work within the following guidelines:

1–30 days of service	Report to work the next scheduled workday.
31–180 days of service	Apply within 14 days after completion of service.
181+ days of service	Apply within 90 days after completion of service.



Before you deploy

To make sure there are no misunderstandings or other glitches, take these steps before you depart:

- Review the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Notify your employer, in person if possible, of your activation. Employer Support of the Guard and Reserve (ESGR), the Department of Defense (DoD) agency that advocates for those service members and helps them have better relationships with their employers, has sample letters that you may use as a template to notify your employer of your service obligation.
- The DoD strongly suggests that you provide your employer with at least 30 days of advanced notice whenever possible. If orders become available, you may present a copy to the appropriate supervisor and human resources representative.
- Review military and company policy with your supervisor and HR personnel.
- Determine whether you would like to use leave prior to or during your mobilization. Share this plan with your employer.
- Update beneficiaries and family information.
- Resolve pay and compensation issues.
- Determine if you are going to continue or suspend any employer-sponsored health care plans to include health, dental and vision plans. Notify your employer of your intentions.
- Provide forwarding address, telephone numbers and email address.
- Clear all employer-owned supplies and equipment in compliance with employer's policy for extended leaves of absence.
- Share with your employer your projected return-to-work date if available.
- Keep a record of names and dates, and a summary of your conversations with your employer.
- Thank your employer and supervisor for their support and cooperation, and consider nominating them for a Patriot Award—an award given by the DoD to a civilian company for its support of Guard and Reserve members. At esgr.mil, select "Nominate Your Employer"; then fill out the form.

ESGR is here to help

Employer Support of the Guard and Reserve (ESGR) is a DoD agency that seeks to promote a culture in which all American employers support and value the military service of their employees. ESGR is here to assist with understanding USERRA.

To that end, ESGR provides a comprehensive menu of resources for service members and their civilian employers. Visit esgr.mil to learn more.

Before or during deployment, you can show appreciation for supportive supervisors by nominating them for ESGR's Patriot Award, at esgr.mil/patriot. If your employer has gone above and beyond in their support, nominate them for the DoD's highest honor, the Secretary of Defense Employer Support Freedom Award, at freedomaward.mil.



Return-to-work checklist

Following are suggested items to do or check into upon your return:

- Accumulation of seniority
- Reinstatement of health insurance, dental and vision plans without waiting periods for you and any dependents
- Update beneficiaries and family information
- Resolve pay and compensation issues
- Review 401(k) or other pension plans and determine if and how make-up contributions will be made; share your plans with your employer
- Review retirement and life insurance benefits
- Determine if training or re-training of job skills is necessary and share this with your employer
- Update personal data: address, telephone numbers and email address
- Keep a record of names and dates, and a brief summary of your conversations with your employer
- Expect protection against discrimination and harassment
- To thank your employer and supervisor for their support and cooperation, nominate them for a Patriot Award by going to esgr.mil, select "Nominate Your Employer," and fill out the form