UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
FREQUENTLY ASKED QUESTIONS (FAQ’s)

**General:**
What rights do I have as a university employee if I am called to active military service?
Do I have to give my supervisor a copy of the military orders?
Do I have any rights under USERRA as a part-time employee?
I want to join the reserves. Will weekend drills and 2 weeks active duty in any way jeopardize my job?
Do I have to use my accrued vacation and personal leave to cover my military leave of absence from my job?
Is there someone I can contact if I have questions on military leave and my record?

**Pay:**
Is the Health Science Center required to pay me while I’m on military duty?
What is differential pay?
How do I know whether I will receive differential pay?
Is differential pay listed on my W-2 form at the end of the year?
Am I eligible for pay increases that occurred while I was out for military leave?

**Re-Employment:**
Will my job be held open while I am on military duty?
When do I have to return to my civilian workplace?
What if I am injured or incur disability during active duty and am unable to report back to work?
Am I still eligible for re-employment and benefits if I received a dishonorable or bad conduct discharge?

**Benefits:**
Will the time I am on active duty count toward my years of service for retirement calculations?
Will I accrue vacation or sick leave from HSC while on military leave of absence?
Will I be subject to a waiting period for reinstating my benefits when I return?
I have been here less than 90 days. What happens to my waiting period?
Can I continue my group term life and AD&D insurance during my active duty?
Is there someone I can contact to continue or discontinue my benefits?
When I am called to active duty, how can I give my spouse permission to correspond with the benefits office about my benefits?
Will I still be able to make up any contributions to my retirement plan that I missed while I was on leave of absence?
**General:**
What rights do I have as a university employee if I am called to active military service?

**Answer:** You have many rights that impact your benefits and reemployment. All of these are outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) informational packet on the HR website.

Do I have to give my supervisor a copy of the military orders?

**Answer:** Yes, if they are available. The orders become part of your employee personnel file. If you only have verbal order right now, give those to your supervisor. As soon as written orders are available, please send them to the supervisor.

Do I have any rights under USERRA as a part-time employee?

**Answer:** Yes, both part time and probationary employees are protected by USERRA.

I want to join the reserves. Will weekend drills and 2 weeks active duty in any way jeopardize my job?

**Answer:** No. The two weeks of active duty and the weekend drills cannot jeopardize your job.

Do I have to use my accrued vacation and personal leave to cover my military leave of absence from my job?

**Answer:** No, you are not required to use accrued leave balances. Existing balances are frozen on your record. These hours will be reinstated upon your return from leave of absence.

Is there someone I can contact if I have questions on military leave and my record?

**Answer:** Contact Ninette Roberson, PHR, at 567-0355 or Brett Morris, Assistant Vice President of Human Resources, at 567-2590.

**Pay:**
Is the Health Science Center required to pay me while on military duty?

**Answer:** It depends on your HSC salary and your military pay. If your military pay is higher than your HSC salary, you will not receive HSC pay while on military duty. If your military pay is less than your HSC salary, you will receive differential pay from the HSC.

What is differential pay?

**Answer:** If your military pay is less than your HSC salary, then the institution will make up the difference between your military pay and the HSC salary.

How do I know whether I will receive differential pay?

**Answer:** Compare your monthly earnings from the Health Science Center to your Military Leave and Earnings Statement (LES). Field 20 contains the total
entitlement to the paid monthly in the military. If the amount in that field is less than your monthly Health Science Center’s pay, you will receive differential pay.

Will my differential pay be listed on my W-2 at the end of the year?
Answer: No. You will receive a form 1099 for all differential pay earnings.

Am I eligible for pay increases that occurred while I was out for military leave?
Answer: Yes, you are eligible to receive immediately any pay increases (like across the board raises, merit money, etc.) that were given out while you were on military leave.

Re-Employment:
Will my job be held open while I am on military duty?
Answer: Your department may hire someone to take your place while you are on military duty. However, you have the right to be re-employed upon completion of your military service as long as you served less than 5 years. That may mean termination or transfer of the replacement person.

When do I have to return back to work?
Answer: Return to work dates are dependent on the length of military service as listed below:

<table>
<thead>
<tr>
<th>Time Spent on Active Duty</th>
<th>Return to Work Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 31 days</td>
<td>Must report back to employer by beginning of the first regularly scheduled workday that occurs 8 hours after the employee returns home.</td>
</tr>
<tr>
<td>More than 30 days but less than 180 days</td>
<td>Must submit an application for reemployment with employer no later than 14 days after completion of the period of military service.</td>
</tr>
<tr>
<td>More than 181 days</td>
<td>Submit an application for reemployment with the employer no later than 90 days after completion of the period of military service.</td>
</tr>
</tbody>
</table>

What if I am injured or incur disability during active duty and am unable to report back to work?
Answer: The deadline to reapply for employment is extended to 2 years for anyone hospitalized or convalescing due to service-connected illness or injury. NOTE: ADA accommodations may be required upon reemployment.
Am I still eligible for re-employment and benefits if I received a dishonorable or bad conduct discharge?

Answer: No, you will lose your rights to re-employment and benefits in those circumstances.

Benefits:
Will the time I am on active duty count toward my years of service for retirement calculations?

Answer: Yes, your service months will be corrected to cover the period of military activation.

Will I accrue vacation or sick leave from the HSC while on military leave of absence?

Answer: If you are on paid leave status (the 15 days of paid leave), you will accrue vacation and sick leave. If you are on extended military leave of absence, you will not accrue vacation and sick leave. You will receive credit for service months that would cover your leave of absence.

Will I be subject to a waiting period for reinstating my benefits when I return?

Answer: No, your benefits will be reinstated immediately upon your return and will not be subject to a waiting period.

I have been here less than 90 days. How will this impact the state mandated 90 day waiting period for my health insurance?

Answer: Your health benefits will be effective immediately upon your return, and will not be subject to any waiting period.

Can I continue my group term life and Accidental Death & Dismemberment (AD&D) insurance coverage during my active duty?

Answer: 
Group Term Life Insurance – You may retain coverage for yourself and your dependents. However, if you cancel your coverage, the coverage for your dependents must also be cancelled.

AD&D – You may elect to continue insurance and pay the entire premium (not eligible for premium sharing). NOTE: there are specific exclusions for injuries or death that may occur as a result of active duty.

Is there someone I can contact to continue or discontinue my benefits?

Answer: Please contact either Gwen Benson, at 567-2609 or Julie Mascilli at 567-2612. It is best to make an appointment with them before you need to leave for active duty.

If I am called to active duty, how can I give my spouse permission to correspond with the benefits office about my benefits?

Answer: Before you leave for active duty, please complete an Authorization for Release form (available on our website). Bring it with you when you come to speak with a benefits representative.
Will I still be able to make up any contributions to my retirement plan that I missed while I was on leave of absence?

**Answer:** Yes, you will be allowed to make up any missed contributions to either TRS or ORP over a period of time equal to three times the period of military leave to a maximum of 5 years. Deposits of the University’s contributions toward applicable retirement plans will be made upon your re-employment.