

APPENDIX I
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And Reemployment Rights Act
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Appendix I

SUMMARY OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

1. Policy

In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), the job rights of employees are protected, when they 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.

2. Reemployment Rights

Employees have the right to be reemployed in their civilian job if they leave that job to perform service in the uniformed service and:

- a. you ensure that your employer receives advance written or verbal notice of your service;
- b. you have five years or less of cumulative service in the uniformed services while with that particular employer (with the noted exceptions in userra);
- c. you return to work or apply for reemployment in a timely manner after conclusion of service; and
- d. 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 restored 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.

3. Right to be Free From Discrimination and Retaliation

If you are an employee and meet the following criteria, the Town may not deny initial employment; reemployment, retention in employment; promotion; or any benefit of employment provided that you are:

- a. a past or present member of the uniformed service;
- b. have applied for membership in the uniformed service; or
- c. are obligated to serve in the uniformed service;
- d. then an employer may not deny you because of this status.

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

4. Health Insurance Protection

- a. 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.
- b. 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.

5. Enforcement

- a. For any grievances concerning the town's userra policy, the grievance procedure in the personnel rules should be followed as a first step. If not satisfied with the resulting decision from that process, employees should contact the employer support of guards and reserves (ESGR)
- b. The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- c. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its Web site at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- d. If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation.
- e. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances., and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>.

*Adopted by Selectboard
August 14, 2006
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