

RIGHTS AND PROTECTIONS FOR MILITARY SERVICE

The Congressional Accountability Act of 1995 applies the Uniformed Services Employment and Reemployment Rights Act (USERRA) to House employees, including the right to reemployment following leave for military service and freedom from discrimination and retaliation based on military service.



LEGAL PROTECTIONS FOR MILITARY SERVICE MEMBERS, PAST AND PRESENT

USERRA provides reemployment, benefits, and retention rights to service members. Under the law, an employer may not discriminate against an individual based on service in the uniformed services, past or present. The employer is also prohibited from retaliating against an individual for exercising their USERRA rights.



WHAT RIGHTS DOES USERRA PROVIDE?

USERRA provides the following rights:

- **Reemployment** - An employee who is absent due to military service is entitled to reemployment in the same, or a comparable, position as though they were continuously employed.
- **Benefits** - An employee must receive the same rights and benefits they had on the date they commenced service, plus seniority-based rights and benefits as though they were continuously employed.

The employee should be treated as though they are on a leave of absence, with the same rights and benefits as other employees who are on a leave of absence, except the employee cannot be required to use accrued leave during the period of absence.

- **Retention** - An employee cannot be terminated due to military service except for cause within a certain time period of reemployment and service.
- **Discrimination** - An employee cannot be discriminated against based on their past or present military service.
- **Retaliation** - An employee cannot be retaliated against because they exercised their rights under USERRA.

WHO IS COVERED UNDER USERRA?

USERRA applies to all U.S. uniformed services and their reserve components, including the following:

- Army, Navy, Marine Corps, Air Force, and Coast Guard
- Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve
- Army National Guard and Air National Guard
- Commissioned Corps of the Public Health Service
- Any other category of persons designated by the President in time of war or emergency

HOW DOES AN EMPLOYEE ENGAGE THEIR USERRA RIGHTS?

An employee must provide notice of their military service obligation, unless impossible or unreasonable.

An employee must submit a timely application for reemployment at the conclusion of their service.

OTHER BENEFITS RELATED TO MILITARY SERVICE

There are additional leave protections for military personnel and employees who are service member caregivers under the Family and Medical Leave Act (FMLA).

Military personnel who are injured in the line of duty may also have additional rights and protections under the Americans with Disabilities Act (ADA).

**CONTACT THE OFFICE OF EMPLOYEE
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