

## Your Rights Under the Congressional Accountability Act



# Uniformed Services Employment Rights

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**Section 206 of the Congressional Accountability Act (CAA)** applies certain rights and protections of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to covered employees. USERRA protects employees performing service in the uniformed services from discrimination and provides certain rights to reemployment and benefits upon the completion of military service. An employing office may not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an eligible employee on the basis of the employee's service in the uniformed services.

### Key Provisions Under the Law

- Service in the uniformed services includes the Armed Forces (active and reserve), the National Guard, the Public Health Service, or any other category designated by the President during time of war.
- There are certain limitations and conditions applied to reemployment rights for members of the uniformed services, including certain notification requirements and limits on duration of service to be eligible for reemployment and certain notification requirements.
- To be eligible for reemployment rights, a covered employee must not have left the uniformed service with less than an honorable discharge.

### Frequently Asked Questions About USERRA

***Q. Who is an eligible employee under the Uniformed Services Employment and Reemployment Rights Act, as made applicable by the CAA?***

**A.** Eligible employee means a covered employee performing service in the uniformed services, who has not been terminated by a dishonorable or bad conduct discharge; separated under other than honorable conditions; dismissed by a sentence of a general court martial, by commutation of sentence, or by order of the President in time of war; or dropped from the rolls because of absence without authority for 3 months or because sentenced to confinement.

***Q. What does "service in the uniformed services" mean?***

**A.** "Service in the uniformed services" means voluntary or involuntary duty under competent authority and includes active duty, active duty for training, full-time National Guard duty, and time absent for examination for fitness for such duty.

## **Uniformed Services Employment Rights** CONTINUED

*Q. Is an eligible employee entitled to reemployment when he or she returns from duty in the uniformed services?*

**A.** Members of the uniformed services returning from duty have an "unqualified" right to reemployment if they have been released under honorable conditions and the following requirements are met: the employee gives advance notice of service where possible; the cumulative length of the absence and of all previous absences from a position of employment with that employing office for service does not exceed five years; and the employee reports to work or applies for reemployment.

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### **The Office of Compliance**

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The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding your rights under USERRA or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at [www.compliance.gov](http://www.compliance.gov).

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