



# United States Department of the Interior

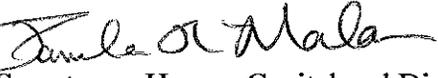
OFFICE OF THE SECRETARY

Washington, DC 20240

DEC 21 2012

## Memorandum

To: DOI Senior Executives, Managers, Supervisors and Human Resource Professionals

From: Pamela R. Malam   
Deputy Assistant Secretary – Human Capital and Diversity

Subject: Mandatory Training – Special Hiring Authorities for Veterans and the Uniformed Services Employment and Reemployment Rights Act

The Veterans' Benefit Improvement Act of 2008, Public Law (P.L.) 110-389, October 10, 2008, contains a key provision requiring all Federal agencies to provide annual Uniformed Services Employment and Reemployment Rights Act (USERRA) training. The USERRA training is provided to "any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency."

Executive Order 13518, Employment of Veterans in the Federal Government, November 9, 2009, establishes the requirement for mandatory annual training of human resources personnel and hiring managers concerning veterans' employment, including training on veterans' preferences and special hiring authorities. Office of Personnel Management designed a training module for this purpose.

All executives, managers, supervisors and human resource (series 201) professionals are assigned the appropriate training course to complete. These training courses are a **mandatory** annual requirement to be **completed prior to February 1<sup>st</sup> of each year**. Please ensure new employees in the previously stated types of positions complete the training within 30 days of assignment.

The Office of Civil Rights determined this training is **creditable** towards the required EEO training for managers and supervisors. Each training module may be completed in an hour or less.

The following training courses have been assigned in DOI Learn to the affected groups. The courses can be found in the My Learning area:

- 1) Uniformed Services Employment and Re-employment Rights Act (USERRA)
- 2) Veteran Employment Training for Hiring Managers
- 3) Veteran Employment Training for Human Resource Professionals

NOTE: Human Resource Professionals who are also Supervisors will be assigned both Veteran Employment courses. In these cases, completion of the HR Version is sufficient to meet the

requirement. Assigned supervisors can update the completion status for the Hiring Managers version using the Gradebook feature. Instructions are found at:  
<http://www.usgs.gov/humancapital/documents/HowToMarkTrngComplete92611mkh.pdf>

Please ensure the attached flyer is posted prominently within your offices.

Attachment:

Your Rights Under USERRA flyer



# YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who 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.

## REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

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

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

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.

## HEALTH INSURANCE PROTECTION

- ☆ 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.
- ☆ 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.

## ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ☆ 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 or the Office of Special Counsel, as applicable, for representation.
- ☆ 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. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



**U.S. Department of Labor**  
**1-866-487-2365**



**U.S. Department of Justice**



**Office of Special Counsel**



**1-800-336-4590**

Publication Date—October 2008