

# USERRA Checklist

The following checklist is meant to serve as a guide to help employers evaluate their current structure to support the Uniformed Services Employment and Reemployment Rights Act (USERRA) and what might need to be changed to facilitate effective employee reintegration.

KEY QUESTIONS	ANSWERS	COMMENTS
<b>Does your organization have a checklist available to assist in determining eligibility under USERRA? If so, does it include the following categories?</b>		
The Armed Forces including: the Army, the Navy, the Air Force, the Marine Corps, the Air Force Reserve, the Army National Guard, the Air National Guard, commissioned corps of the Public Health Service, and any other category of persons designated by the president in time of war or national emergency, active duty, active duty for training, inactive duty training (such as drills), initial active duty training, fitness examination for determination of duty, and funeral honors duty performed by National Guard and reserve members		
Full-time, part-time, or probationary worker		
Cumulative service is five years or less ( <i>exceptions for service with a minimum requirement term</i> )		
Employee is discharged honorably ( <i>dishonorably discharged employees are not eligible</i> )		
Employee returns to work in a timely manner ( <i>exceptions exist for employees with disabilities</i> )		
<b>Does your organization have the following processes in place?</b>		
Ability to notify employees of rights, obligations, and benefits under USERRA		
Process for employees to elect employer-sponsored health coverage for up to 24 months ( <i>beginning on day employee's leave begins</i> )		
Protocol for maintenance of employer-sponsored pension benefit plans for USERRA-eligible employees		
Ability to ensure employees have or have not forfeited USERRA rights and to notify employees of potential benefits forfeited ( <i>employer has the burden of proving the employee provided written notification that they do not plan on returning to work after service</i> )		
<b>Does your organization have experts within the following areas who are prepared to assist with administration of the various aspects of USERRA?</b>		
Payroll		
HR/Benefits		
Legal		
Administrative		
Insourced		
Outsourced		
EAP		