VETERANS’ REEMPLOYMENT RIGHTS
Under The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
For Permanent State Government Employees

SERVICE MEMBERS ARE ENTITLED TO:

- Leave of absence without required use of annual leave, after advance notice
- Reinstatement upon timely application to the position they would have attained or, in limited cases, a comparable position, had they not been on military duty
- Accrued seniority as if they had been continuously employed, including all rights and benefits determined by seniority (status, rate of pay, pension vesting, and service computations)
- Training or retraining or other accommodations if returning with a service-connected disability; or if not reasonable, reemployment in a position of “nearest approximation” of his or her former position in terms of status and pay, with full seniority
- Reasonable efforts to train or otherwise qualify for a position within the organization or placement in another position of lesser status and pay for which he or she is qualified with full seniority
- Pension plan benefits that accrued during military service upon payment of employee share
- COBRA-like health coverage upon request for leave of more than 30 days, and continued coverage at regular employee cost for leave of less than 31 days

EMPLOYERS ARE FORBIDDEN TO:

- Consider timing, frequency, duration, or nature of the service members training or service for denying rights under USERRA
- Discriminate in employment or take adverse employment action against any person who filed a complaint or assisted in the enforcement of a protection afforded any returning service member under USERRA
- Discriminate in employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of past, present, or future military membership, application for or service or obligation

Employers bear the burden of proof for any adverse action or denial regarding employment, reemployment, or other entitlements when a service connection is the motivating factor.


For clarification or additional information concerning veteran’s reemployment rights, contact:
West Virginia Division of Personnel, Employee Relations Section
Telephone 304-558-3950, Extension 57209
www.state.wv.us/admin/personnel/emprel/
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