The Uniformed Services Employment and Reemployment Right Act of 1994 (USERRA)
Military Duty: Employee Rights & Benefits

With current military actions around the world, some Indiana University employees have been called into active military duty for extended periods of time. The Uniformed Services Employment and Reemployment Rights Act of 1994 and Veterans Benefits Improvement Act of 2004 provide certain rights and benefits to employees who are called or volunteer for military duty. Three of the most significant rights and benefits provided to employees by the acts are reemployment rights, retirement benefits, and health benefits.

Reemployment Rights

For certain employees who return to work following a period of military service, Indiana University must reemploy such individuals in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Indiana University must make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. Finally, while an individual is performing military service, they are deemed to be on a leave of absence and are entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

Retirement Benefits

For certain employees who return to work following a period of military service, Indiana University is required to restore any employer contributions that would have been allocated to an eligible employee that were not paid on account of the military service period. Employer contributions must be restored under the following plans:

- IU Retirement Plan
- Retirement & Savings Plan
- PERF
- IUSERP

Covered employees who return to work following a period of military service must be given the right to make up missed salary deferral contributions, including catch-up contributions, to the voluntary salary deferral plans (i.e., the IU Tax Deferred Account Plan and IU 457(b) Retirement Plan).

Health Benefits

An employee who is on a leave of absence for military duty may continue participating in Indiana University-sponsored medical and dental plans. However, the employee must continue paying his or her monthly share of the plans' premiums.

An employee and eligible dependents may continue coverage in Indiana University-sponsored medical and dental plans for up to 24 months following the employee's termination of employment

for military duty. To continue coverage, the employee must generally pay 102 percent of the total monthly premium (both employee and employer cost) for the continuation coverage period.

When a department processes an unpaid military leave of absence or a separation for military duty, Indiana University Human Resources (IUHR) will notify the employee at his or her home address of the continuation options and costs.

Contact IUHR

To be eligible for reemployment rights and retirement benefits, an employee must meet certain federally mandated requirements. Any employee who (1) returns to work at Indiana University following a period of military service or (2) believes they may be owed benefits due to a past period of military service should immediately contact IUHR. This office will review the employee's circumstances and determine if the employee is entitled to benefits. To contact IUHR, e-mail askhr@iu.edu with the following information:

- name of the employee;
- employee's identification number;
- beginning and ending dates of the period of military service; and
- date employee returned to work from military service.