

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
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Date: March 10, 2005

Code: HR 2005-11

To: CSU Presidents 

From: Jackie R. McClain
Vice Chancellor
Human Resources

Subject: **Veterans Benefits Improvement Act of 2004**

The Veterans Benefits Improvement Act of 2004 (PL 108-454) was signed by President Bush on December 10, 2004, and became effective January 1, 2005. This law provides additional benefits to individuals who serve, or previously served, in the United States military. Two new requirements impact the California State University (CSU).

Employer-Sponsored Health Care Coverage

Previously, federal law required employers to provide employees called to active duty as Reservists or National Guard continued health care benefits for 18 months. Effective January 1, 2005, employers must offer continued health care benefits for 24 months.

Please note that under current California law and CSU policy, employees called to active duty as Reservists or National Guard already have, effectively, the option of continuing their health care benefits beyond the newly expanded 24-month federal mandate.

Expanded Requirement for Employers to Provide Notice of Rights and Duties Under the Uniformed Services Employment and Reemployment Rights Act (USERRA)

Federal law requires employers to notify employees of their rights under USERRA. With the enactment of the new law, employers have an expanded obligation to provide these employees with a notice of the rights, benefits, and obligations of both the employee and employer under USERRA. This notice requirement may be met by posting the Department of Labor's February 2005 notice "Your Rights Under USERRA" in areas designated for employee notices. A copy of the notice is attached. The notice also may be accessed at the following website:

<http://www.dol.gov/vets/programs/userra/poster.pdf>

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Please note that in some instances, state law and CSU policy exceed federal requirements outlined in the notice.

If you have any questions, please contact Human Resources Administration at (562) 951-4411. This memorandum is also available on Human Resources Administration's web page at: <http://www.calstate.edu/HRAdm/memos.shtml>.

JRM/pc
Attachment



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. 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 any of the following because of this status:

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

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, depending on the employer, 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. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.pdf>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where they customarily place notices for employees.



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



1-800-336-4590

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