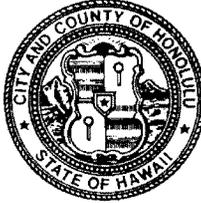


DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 10<sup>th</sup> Floor  
HONOLULU, HAWAII 96813

MUFI HANNEMANN  
MAYOR



KENNETH Y. NAKAMATSU  
ACTING DIRECTOR

Circular No. 2-05  
March 22, 2005

TO: ALL DEPARTMENT AND AGENCY HEADS

FROM: <sup>KYU</sup> KENNETH Y. NAKAMATSU, DIRECTOR  
DEPARTMENT OF HUMAN RESOURCES

SUBJECT: POSTING REQUIREMENT – USERRA POSTER

On March 10, 2005, the United States Department of Labor amended the Uniform Services Employment and Reemployment Rights Act (USERRA) and added a requirement that employers provide a notice of rights, benefits and obligations to employees covered under the Act. The rule requires that the employer provide all persons entitled to rights and benefits under USERRA with the full text of the notice as prepared by the U.S. Department of Labor. It may be posted where employee notices are customarily placed (see DHR Personnel Manual XIII-A-4, Bulletin Boards and Posting Requirements). It also may be provided in other ways such as handing out or mailing the notice, or distributing the notice via electronic mail.

The U.S. Department of Labor's USERRA poster is being sent to you electronically and should be posted on all employee bulletin boards. It may also be sent electronically to your employees. If you have any questions regarding this requirement, please call the labor relations specialist assigned to your department or agency.

Attachment

APPROVED:

  
\_\_\_\_\_  
JEFF J. COELHO  
Acting Managing Director



# 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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