



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, November 10, 2020

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: MICHAEL J. RIGAS, ACTING DIRECTOR

Subject: Uniformed Services Employment and Reemployment Rights Act

As we celebrate Veterans Day and the 245th birthday of the United States Marine Corps, our nation remembers the sacrifices made by the women and men who fought, and continue to fight, in America's wars and military conflicts. The U.S. Office of Personnel Management (OPM) celebrates this proud tradition by reminding you of the importance we place on veterans' employment. We in the Federal community have both a statutory obligation and a moral duty to afford our citizen-soldiers their hard-earned entitlements when they return home to begin or resume a Federal career.

Through the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Congress recognized the service, commitment, and sacrifice of these extraordinary men and women. USERRA was enacted to ensure uniformed service members are not disadvantaged in their civilian careers because of their service, are promptly reemployed in their civilian jobs upon their return from duty, are not discriminated against in employment because of their military status or uniformed service obligations. USERRA is codified at 38 U.S.C. 4301-4335, and 5 CFR part 353 subparts A and B.

USERRA applies to any Federal employee, permanent or temporary, in an executive agency including the U.S. Postal Service, Postal Regulatory Commission, and non-appropriated fund activity, who performs duty with a uniformed service (including active duty, active duty for training, or inactive duty training), whether the service voluntary or involuntary.

Uniformed service as defined in 38 United States Code (U.S.C.) 4303(16) means the Armed Forces; the Army and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or emergency.

As the largest single employer of members of our armed forces, it is imperative that we in the Federal community protect the careers and related benefits of our colleagues who perform uniformed service. OPM is committed to helping agencies comply with their USERRA obligations with respect to employees who are called to active duty. Agency USERRA obligations include (but are not limited to):

- Allowing employees to use accrued leave during period of service
- Promptly reemploying service members upon their return

- Placing a returning employee in the position he or she would have been in had that individual had been continuously employed in the agency
- Ensuring a service member is not subject to reduction in force (RIF) while performing uniformed service

For additional USERRA information, please visit VETGuide at: <https://www.opm.gov/policy-data-oversight/veterans-services/vet-guide-for-hr-professionals/#7>.

If you have any questions or need additional information pertaining to USERRA, please contact Ms. Katika Floyd at: Katika.Floyd@opm.gov and employ@opm.gov.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors.