

Sample Letter from Reservist or Others to Send to Their Civilian Employers

Provided by the
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When entering active duty either as a reservist or your initial tour, a letter to your civilian employer is not required to invoke the protections of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 United States Code Section Chapter 43. You must however, give your civilian employer notice that you are leaving your job for active duty or inactive duty for training. You should review the information regarding USERRA in the informational handout from MLCP Legal Assistance Branch, www.ESGR.org or www.dol.gov/vets prior to leaving your employer, and again before you leave your military duty. Consider if you want to use this sample letter or another sample letter, which you can find at 32 Code of Federal Regulations Part 104, appendix B. Your Commanding Officer may also want to send a letter to your employer.

[Date -- give notice as early as possible]

[Employer's business address]

Gentlemen:

I will perform [active duty] (or) [inactive duty for training] with the [United States Coast Guard] beginning on [____ 20__] and ending on [____ 20__] (if you have an ending date.)

My absence from work for this period of military service is protected by the Uniformed Services Employment and Reemployment Rights Act, 38 United States Code, Sections 4301-33. USERRA does not require that I provide all this information to you. However, I want to let you know these details regarding my military absence.

My last day at work with you before I begin military service will be [____ 20__]. I expect to return to work with you on or about [____ 20__] (again, if you have a date.)

(Note: be sure your return complies with the requirements discussed above.)

[During my absence, I can be reached at [give mailing address and telephone number, if is not a security issue and you know this information.]] [During my absence, _____, telephone number _____, will know how to reach me.]

[I [do] [do not] desire to take ____ days of paid [vacation, annual leave, etc.] as the first ____ days of my absence.]

[During my absence, I [do] [do not] desire to maintain [my] health insurance [for [me and] my family] through your insurer.]

(Note: Your employer can charge you your regular premium for absences of 30 days or less, and up to 102% of the full premium, including employer's contribution, for up to the first 18 months of your absence, if you elect to continue coverage. You may want to check the current Tricare coverage to determine if you will have coverage when you leave active duty. Under current regulations, if you have no Tricare coverage or Tricare for only 30 days, you could have a period where you have no coverage for health insurance if you do not report back to your civilian employer immediately, or if you do not maintain your civilian medical coverage.)

[During my absence, I [do] [do not] desire to continue to make [employee contributions] [payments to replace deferred compensation] to keep my pension plan current.][Upon my return I will notify you within the required period, if I will makeup contributions based on seniority that I missed while on military duty.] You are required to continue to make regular employer contributions, and to continue my membership, in your pension plan for any plan based on seniority, during my absence. 38 U.S.C. 4318(a)(2)(B).

If you have questions about the provisions of the Uniformed Services Employment and Reemployment Rights Act, the National Committee for Employer Support of the Guard and Reserve (NCESGR), 1-800-336-4590, will be happy to answer them. The website for NCESGR is www.ESGR.org. The Department of Labor, Veteran's Employment and Training Service (VETS) also answers questions and they can be reached at <http://www.dol.gov/vets>.

Signed: _____

[Consider having employer's representative initial and date your copy as proof of notice.]