



The Uniformed Services Employment and Reemployment Rights Act, as applied by the Congressional Accountability Act

Section 206 of the Congressional Accountability Act (CAA) applies certain rights and protections of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to covered employees performing service in the “[uniformed services](#).”

Pursuant to the CAA, the rights described herein are in effect, and USERRA regulations promulgated by the U.S. Department of Labor apply. The Board of Directors of the Office of Compliance adopted USERRA regulations specifically tailored to the Congressional workforce that will take effect after approval by Congress. That approval is currently pending.

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service, which includes the Armed Forces (active and reserve), the National Guard, the Public Health Service, and certain types of service in the National Disaster Medical System.

USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

WHO IS COVERED

An employee or applicant for employment with the:

- House of Representatives
- Senate
- Capitol Guide Service
- Capitol Police
- Congressional Budget Office
- Architect of the Capitol
- Office of the Attending Physician
- Government Accountability Office
- Library of Congress
- Office of Compliance

is a “covered employee” under the CAA



A “covered employee” who:

- is a past or present member of the uniformed service;
- has applied for membership in the uniformed service; or
- is obligated to serve in the uniformed service

is an “eligible employee” protected by USERRA, as applied by the CAA.



PROTECTION FROM DISCRIMINATION AND RETALIATION

An employing office may not deny an “eligible employee”:

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

on the basis of the employee’s status in the uniformed service.

Under USERRA, as enforced by the CAA, an employing office may not retaliate against an “eligible employee” for asserting, or assisting in the enforcement of, a right under USERRA, including testifying or making a statement in connection with a proceeding under USERRA.

While not specifically protected by USERRA, a “covered employee” is protected under the anti-retaliation provisions of the CAA for assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that covered employee has no service connection.



HEALTH INSURANCE PROTECTION

Upon leaving a position with an employing office to perform military service, an “eligible employee” can choose to continue existing employer-based health plan coverage for up to 24 months while serving in the uniformed service.

Even if an “eligible employee” does not choose to continue the employer-based health plan coverage while serving in the uniformed service, the employee has the right to be reinstated into that health plan upon returning to employment with the employing office, generally without any waiting periods or exclusions except for service connected illnesses or injuries.

ENFORCEMENT

After the required period of counseling and mediation, an “eligible employee” may file a USERRA complaint with Office of Compliance (OOC) or a civil action in district court.

After the required period of counseling and mediation, a “covered employee” may bring an action for retaliation under the retaliation sections of the CAA.

Although USERRA has no statute of limitations, the CAA requires that a request for counseling be brought to the OOC within 180 days after the alleged violation.

Relief for USERRA violations may include:

- compliance with USERRA;
- compensation for loss of wages or benefits;
- liquidated damages, if the violation was willful; or
- other remedies available under the CAA.