



the *Policy Page*

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Update on Rights of Military Reservists

There have been several recent developments regarding the employment rights of military reservists.

Health Insurance Coverage

First, the federal statute governing the rights of reservists, Uniformed Service Employment and Reemployment Act (USERRA) has been amended to provide that the maximum amount of time a serviceperson taking military leave may continue his health insurance coverage (and that of his or her dependents) with his civilian employer has been increased to 24 months. Before the amendment the maximum period was 18 months. The new 24-month continuation coverage period applies to elections to continue health insurance coverage made on or after December 10, 2004.

Employees serving fewer than 31 days cannot be required to pay more than their regular employee share, if any, for continued health insurance coverage.

Employees serving 31 days or longer can be required to pay 102 percent of the full cost of the premium for continued coverage, which includes both the employee and employer share.

Notice of Rights

Second, federal law now requires employers to provide employees with notice informing them of their rights, benefits, and obligations under USERRA. The notice may be posted where employers customarily place notices for employees. The Secretary of Labor will provide employers with the text of the required notice in early March. The poster should be added to the Department of Labor website at www.dol.gov/osbp/sbrefa/poster/main.htm.

Supplemental Pay

In addition to the changes in federal law, Virginia law now requires local school boards to provide employees called to active duty service with supplemental pay if the employee's military compensation is less than the regular salary paid to the employee by the school division. Va. Code § 22.1-289.2. The amount of the supplemental pay is up each local division. Each division should decide the amount of supplemental pay it will provide regardless of whether it currently has any employees who have been called to active duty who are effected by the new law.