

USERRA Notice of Rights

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) established requirements that employers must meet for certain employees who are involved in the uniformed services (defined below). In addition to the rights that you have under COBRA, you (the employee) are entitled under USERRA to continue the coverage that you (and your covered dependents, if any) had under the Cornwall-Lebanon School District Medical Plan, the Cornwall-Lebanon School District Dental Plan, and/or the Cornwall-Lebanon School District FSA.

You Have Rights Under Both COBRA and USERRA

Your rights under COBRA and USERRA are similar but not identical. Any election that you make pursuant to COBRA will also be an election under USERRA, and COBRA and USERRA will both apply with respect to the continuation coverage elected. If COBRA and USERRA give you different rights or protections, the law that provides the greater benefit will apply. The administrative policies and procedures described in the attached COBRA Election Notice (for example, the procedures for how to elect COBRA coverage and for paying premiums for COBRA coverage) also apply to USERRA coverage, unless compliance with the procedures is precluded by military necessity or is otherwise impossible or unreasonable under the circumstances.

Definitions

“Uniformed services” means the Armed Forces, the Army National Guard, and the Air National Guard when an individual is engaged in active duty for training, inactive duty training, or full-time National Guard duty (i.e., pursuant to orders issued under federal law), the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

“Service in the uniformed services” or “service” means the performance of duty on a voluntary or involuntary basis in the uniformed services under competent authority, including active duty, active and inactive duty for training, National Guard duty under federal statute, a period for which a person is absent from employment for an examination to determine his or her fitness to perform any of these duties, and a period for which a person is absent from employment to perform certain funeral honors duty. It also includes certain service by intermittent disaster response appointees of the National Disaster Medical System (NDMS).

All of the undefined words used in this USERRA notice have the meanings assigned to them in the attached COBRA Election Notice.

Duration of USERRA Coverage

General Rule: 24-Month Maximum. When a covered employee takes a leave for service in the uniformed services, USERRA coverage for the employee (and covered dependents for whom coverage is elected) can continue until up to 24 months from the date on which the employee's leave for uniformed service began. However, USERRA coverage will end earlier if one of the following events takes place:

- (1) A premium payment is not made within the required time;
- (2) You fail to return to work or to apply for reemployment within the time required under USERRA (see below) following the completion of your service in the uniformed services; or
- (3) You lose your rights under USERRA as a result of a dishonorable discharge or other conduct specified in USERRA.

USERRA and Health FSAs. USERRA's continuation coverage requirements for health plans apply to health FSAs. USERRA has no special rules for health FSAs. For example, the limited COBRA obligation for certain health FSAs (as described in the attached COBRA Election Notice) does not apply under USERRA— under USERRA, the right to continuation coverage generally lasts for up to 24 months (unless one of the events described above takes place).

Reporting to Work/Applying for Reemployment. Your right to continue coverage under USERRA will end if you do not notify us of your intent to return to work within the time required under USERRA following the completion of your service in the uniformed services by either reporting to work (if your uniformed service was for less than 31 days) or applying for reemployment (if your uniformed service was for more than 30 days). The time for returning to work depends on the period of uniformed service, as follows.

Period of Uniformed Service

Report-to-Work Requirement

Less than 31 days

The beginning of the first regularly scheduled work period on the day following the completion of your service, after allowing for safe travel home and an eight-hour rest period, or if that is unreasonable or impossible through no fault of your own, as soon as is possible.

More than 30 days but less than 181 days

Submit an application for reemployment within 14 days after completion of your service or, if that is unreasonable or impossible through no fault of your own, the first full day on which it is possible to do so.

Period of Uniformed Service

More than 180 days

Any period if for purposes of an examination for fitness to perform uniformed service

Any period if you were hospitalized for or are convalescing from an injury or illness incurred or aggravated as a result of your service

Report-to-Work Requirement

Submit an application for reemployment within 90 days after completion of your service.

Report by the beginning of the first regularly scheduled work period on the day following the completion of your service, after allowing for safe travel home and an eight-hour rest period, or if that is unreasonable or impossible through no fault of your own, as soon as is possible.

Report or submit an application for reemployment as above (depending on length of service period) except that time periods begin when you have recovered from your injuries or illness rather than upon completion of your service. Maximum period for recovering is limited to two years from completion of service but may be extended if circumstances beyond your control make it impossible or unreasonable for you to report to work within the above time periods.

COBRA and USERRA Coverage Are Concurrent. This means that COBRA coverage and USERRA coverage begin at the same time. However, COBRA coverage can continue for up to 18 months (it may continue for a longer period and is subject to early termination, as described in the attached COBRA Election Notice). In contrast, USERRA coverage can continue for up to 24 months, as described above.

Premium Payments for USERRA Continuation Coverage

If you elect to continue your health coverage pursuant to USERRA, you will be required to pay 102% of the full premium for the coverage elected (the same rate as COBRA), at the times and using the procedures specified in the attached COBRA Election Notice. However, if your uniformed service period is less than 31 days, you are not required to pay more than the amount that you pay as an active employee for that coverage.

Questions?

If you have any questions regarding the information in this notice or your rights to coverage, or if you would like a copy of your Summary Plan Description (which contains important information about Plan benefits, eligibility, exclusions, and limitations), you should contact: Michelle Etter, Coordinator of Human Resource, (717) 389-1809 OR metter@clsd.k12.pa.us.