

**DEPARTMENT OF WASHINGTON  
VETERANS OF FOREIGN WARS  
OF THE UNITED STATES**

**USERRA POLICY**



**2025-2026**

AS APPROVED BY THE WASHINGTON VFW COUNCIL OF ADMINISTRATION

Rev 5/14/2025

# **Standard Operating Procedure (SOP): Compliance with USERRA**

Organization: Veterans of Foreign Wars (VFW), Department of Washington

Effective Date: [Insert Date]

Reviewed/Updated On: [Insert Date]

Prepared By: [Insert Name/Title]

Approved By: [Insert Name/Title]

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## **1. Purpose**

This SOP is designed to ensure the VFW Department of Washington complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA), which protects the employment and reemployment rights of service members and veterans, and promotes fair treatment in all employment-related activities.

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## **2. Scope**

This SOP applies to all VFW Department of Washington employees, volunteers, officers, and job applicants who are serving or have served in the U.S. uniformed services.

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## **3. Authority**

USERRA (38 U.S.C. §§ 4301–4335) provides protections for individuals who leave civilian employment to perform military service. It prohibits discrimination and retaliation based on military service or obligation.

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## **4. Definitions**

- **Uniformed Services:** Includes the Army, Navy, Marine Corps, Air Force, Coast Guard, Reserves, National Guard, and Commissioned Corps of the Public Health Service.
  - **Military Leave:** Time away from civilian work to perform duties in the uniformed services.
  - **Reemployment Rights:** The right to be reemployed in the same or comparable position after completing military service.
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## **5. Policy Statement**

The VFW Department of Washington will:

- Fully comply with USERRA.
  - Not discriminate or retaliate against individuals due to past, present, or future military service.
  - Provide prompt reemployment to eligible individuals returning from military duty.
  - Maintain benefits and job protections as required by law.
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## **6. Responsibilities**

- **Post and District Commanders:** Ensure compliance with this SOP within their respective areas.
  - **Department Quartermaster and Adjutant:** Maintain personnel records and oversee adherence to USERRA provisions.
  - **Supervisors and Hiring Officials:** Ensure fair employment practices for service members and veterans.
  - **Employees and Members:** Notify appropriate leadership of service obligations and follow return-to-work procedures.
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## **7. Procedures**

### **7.1 Notice of Military Service**

Employees or members must provide advance notice (oral or written) of military service unless impossible or unreasonable due to military necessity.

## **7.2 Duration of Military Leave**

USERRA covers cumulative military service of up to 5 years with certain exceptions.

## **7.3 Reemployment Eligibility**

To qualify for reemployment, the service member must:

- Have given proper notice before leaving
- Have served under honorable conditions
- Apply for reemployment within prescribed timelines:
  - 1–30 days of service: Report back next workday
  - 31–180 days: Apply within 14 days
  - 181+ days: Apply within 90 days

## **7.4 Position upon Return**

Eligible employees will be reinstated to:

- The same position they would have held had they not left (escalator principle)
- With the same seniority, status, and pay
- Or a similar position if necessary

## **7.5 Health and Pension Benefits**

- Health insurance can be continued for up to 24 months during service.
- Upon return, health benefits are reinstated without waiting periods or exclusions.
- Pension plans will be treated as if the service member never left.

## **7.6 Protection from Discharge**

Reemployed individuals are protected from discharge without cause for:

- 180 days after service of 31–180 days
  - 1 year after service of 181+ days
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## **8. Dispute Resolution**

Concerns or complaints regarding USERRA violations may be directed to:

- The Department Quartermaster
- The Department Commander
- VFW National Headquarters or the U.S. Department of Labor (VETS)

All complaints will be addressed promptly and confidentially.

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## **9. Training**

Leadership and human resources staff shall receive periodic training on USERRA compliance. All new employees and volunteers will be briefed during onboarding.

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## **10. References**

- Uniformed Services Employment and Reemployment Rights Act (USERRA) – 38 U.S.C. §§ 4301–4335
- U.S. Department of Labor USERRA Guide:  
<https://www.dol.gov/agencies/vets/programs/userra>
- VFW National Bylaws and Manual of Procedure
- **11. Revision History**