

## MQFP® Study Guide 2.6: Reserve Legal Protections

### Learning Objectives:

#### 2.6 Reserve Legal Protections

- a. Outline key provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law in the United States that provides certain employment protections for individuals who serve in the uniformed services. Here are the key provisions of USERRA:

**Reemployment Rights:** USERRA provides eligible service members with the right to be reemployed in their civilian job after returning from military service. Employers are generally required to promptly reemploy returning service members without discrimination in terms of pay, seniority, status, and benefits.

**Non-Discrimination:** Employers are prohibited from discriminating against individuals based on their military service or obligation to perform service.

**Eligibility:** To be eligible for reemployment rights, service members must meet specific criteria, including providing advance notice to their employer before leaving for military duty, serving under honorable conditions, and meeting certain time limits for reporting back to work after completing service.

**Benefits and Seniority:** Service members are entitled to the non-seniority rights and benefits provided by their employers, as well as any seniority-based benefits they would have accrued had they not been absent due to military service.

**Training and Accommodation:** Employers may be required to provide training or retraining to help returning service members qualify for reemployment. Reasonable efforts must also be made to accommodate service-related disabilities.

**Enforcement and Remedies:** USERRA is enforced by the Department of Labor (DOL), and individuals whose rights under USERRA have been violated have the right to file a complaint with the DOL's Veterans' Employment and Training Service (VETS) or pursue legal action.

**Notice Requirements:** Service members are generally required to provide advance notice to their employer before leaving for military duty, except in certain circumstances where providing notice is impossible, unreasonable, or military necessity prevents it.

USERRA aims to protect the civilian employment rights of individuals who serve in the military and ensures that they are not disadvantaged in their civilian careers due to their military service obligations.

#### **Exercise 1:** USERRA Key Provisions Outline

Outline the key provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), including protections related to reemployment rights, discrimination, health insurance, and benefits.

**b. Identify key provisions of the Servicemembers Civil Relief Act (SCRA) that may affect Reserve and Guard members**

The Servicemembers Civil Relief Act (SCRA) provides certain protections for members of the Reserve and Guard, similar to those extended to active-duty service members. Some of the key provisions that cover Reserve and Guard members under the SCRA include:

**Stay of Proceedings:** The SCRA allows Reserve and Guard members to request a stay or postponement of certain civil proceedings, such as court hearings, foreclosures, and other legal matters, if their military service materially affects their ability to participate in those proceedings.

**Interest Rate Cap:** Active duty members of the Reserve and Guard may qualify for an interest rate cap of 6% on pre-service loans, including mortgages, credit cards, and student loans. This provision applies to debts incurred before entering active duty.

**Lease Termination:** Reserve and Guard members who receive orders for deployment or a permanent change of station (PCS) for more than 90 days have the right to terminate housing leases without penalty. They need to provide written notice and a copy of their military orders to the landlord.

**Eviction Protection:** Service members, including Reserve and Guard members, are protected from eviction without a court order while on active duty if their monthly rent is below a certain threshold (as adjusted annually).

**Protection from Default Judgments:** If a Reserve or Guard member fails to respond to a lawsuit while on active duty, the court may appoint an attorney to represent them and protect their interests in the case.

**Life Insurance Protections:** The SCRA provides specific protections concerning life insurance policies for Reserve and Guard members, allowing them to maintain their policies at reduced premiums during periods of military service.

**Other Protections:** There are additional provisions within the SCRA that offer protections related to taxes, installment contracts, automobile leases, and more, ensuring that service members' legal rights are safeguarded while they are serving their country.

**Exercise 2: SCRA Key Provisions Identification**

Identify and explain the key provisions of the Servicemembers Civil Relief Act (SCRA) that may affect Reserve and Guard members, including protections related to interest rates, lease terminations, court proceedings, and foreclosure protections.

**Quiz: (True or False)**

1. USERRA provides protections for Reserve and Guard members to maintain their health insurance while on military leave.

a) True

b) False

2. The SCRA provides protection against eviction for Reserve and Guard members while on active duty.

- a) True
- b) False

3. USERRA and SCRA are both federal laws that provide legal protections to military members.

- a) True
- b) False

4. The SCRA provides protection against mortgage foreclosure for Reserve and Guard members.

- a) True
- b) False

**References:**

- Uniformed Services Employment and Reemployment Rights Act (USERRA), U.S. Department of Labor:  
<https://www.dol.gov/agencies/vets/programs/userra>

- Servicemembers Civil Relief Act (SCRA), U.S. Department of Justice:  
<https://www.justice.gov/servicemembers/servicemembers-civil-relief-act-scra>

\*Answer Key can be found at: <https://mqfp.org/study-guides/8> \*