



USERRA (Military Leave) Frequently Asked Questions

I need to request time off of work for USERRA (Military Leave). What do I do?

Please notify your People Leader of any need for leave. You will need to apply for this Leave through New York Life.

How do I apply for Military Leave?

Contact HR Connect at the [HR Portal](#), 855.660.6947 or HRConnect@mosaicco.com. HR Connect will provide you with information on the USERRA (Military) Leave policy, as needed, and will transfer you to New York Life to initiate the USERRA (Military) Leave process.

What are the different ways I can receive my leave documents from New York Life?

All communications and forms are available online after your claim is filed. You can view these items by logging on to www.myNYLGBS.com, and clicking on the "Documents" tab.

Once I'm on leave, is there anything I need to do to maintain it?

You will need to communicate any change in your leave dates and return to work date with your People Leader and New York Life.

You can reach your New York Life Claims manager by contacting New York Life at 1-888-842-4462 between 8:00 AM and 8:00 PM ET, Monday through Friday. You can also reach out online at www.myNYLGBS.com.

Who is eligible for reemployment rights under USERRA following military service?

The individual must meet five conditions, or "eligibility criteria." The individual:

- Must hold or have applied for a civilian job. (Note: Jobs employers can show to be held for a brief, nonrecurrent period with no reasonable expectation of continuing for a significant period do not qualify for protection.)
- Must have given written or verbal notice to the civilian employer prior to leaving the job for military training or service except when precluded by military necessity.
- Must not have exceeded the 5-year cumulative limit on periods of service.
- Must have been released from service under conditions other than dishonorable.
- Must report back to the civilian job in a timely manner or submit a timely application for reemployment.

Can an employee be required to use earned vacation while performing military service?



No. A person may not be forced to use earned vacation. Employees are entitled to earned vacation or leave in addition to time off to perform military service. A rare exception would be a case where there is a standard plant shutdown at a certain time of year and all employees must take their vacations during that period and an employee's period of military service happens to coincide with that period.

How much time off is an employee entitled to prior to reporting for military service?

Although an exact amount of time is not specified in USERRA, an employee, at a minimum, needs to be given sufficient time to travel to the place where the military duty is to be performed.

What is the time frame within which a person has to report back to work or apply for reinstatement?

For periods of service of up to 30 consecutive days, the person must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. If reporting back within this deadline is "impossible or unreasonable" through no fault of the employee, he or she must report back as soon as possible after the expiration of the 8-hour period.

After a period of service of 31-180 days, the person must submit a written or verbal application for reemployment with the employer not later than 14 days after the completion of the period of service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, he or she must submit the application as soon as possible thereafter.

After a period of service of 181 days or more, the person must submit an application for reemployment not later than 90 days after completion of the period of service. These deadlines to report to work or apply for reemployment can be extended up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

In either case, the person must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. If reporting back within this deadline is "impossible or unreasonable" through no fault of the employee, he or she must report back as soon as possible after the expiration of the 8-hour period.

The person does not automatically forfeit the right to reemployment, but will be "subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work."

Does USERRA give a person the right to benefits from the civilian employer during military service?

Yes. USERRA gives an employee the right to elect continued health insurance coverage, for himself or herself and his or her dependents, during periods of military service. For periods of up to 30 days of training or service, the employer can require the person to pay only the normal employee share, if any, of the cost of such coverage. For longer tours, the employer is permitted to charge the person up to 102



percent of the entire premium. If the employee elects coverage, the right to that coverage ends on the day after the deadline for him or her to apply for reemployment or 24 months after the absence from the civilian job began, whichever comes first.

What is an employer required to provide to a returning service member upon reemployment?

There are four basic entitlements (if the eligibility criteria are met):

- Prompt reinstatement (generally a matter of days, not weeks, but will depend on the length of absence).
- Accrued seniority, as if continuously employed. This applies to rights and benefits determined by seniority as well. This includes status, rate of pay, pension vesting, and credit for the period for pension benefit computations.
- Training or retraining and other accommodations. This would be particularly applicable in case of a long period of absence or service-connected disability.
- Special protection against discharge, except for cause. The period of this protection is 180 days following periods of service of 31-180 days. For periods of service of 181 days or more, it is one year.

Can I get paid while out on leave?

Yes. The employee or employee's family member can submit the LES (Leave Earning Statement) to the employer at any time. The employer will then calculate the difference between what the employee was paid from the Military and what they would have been paid normally. The difference is then paid out to the employee.

I have returned to work and I cannot log in to Workday or GrowingU. What should I do?

Upon returning to work from leave, you will need to contact the Global Service Desk at 1-866-258-8740 in order to have your single sign on password reset.

I have returned to work and my badge doesn't work. What do I do?

Contact HR Connect at the [HR Portal](#), 855.660.6947 or HRConnect@mosaicco.com

**** Just like any other leave, the employee must call New York Life to report the Military Leave so the correct time can be entered into Workday****