

From: Jones, Bonnie Curran
Sent: Tuesday, July 24, 2012 12:03 PM
To: 'Dave Crawford'
Subject: RE: Leave question

Hi Dave,

It doesn't matter if it is a voluntary promotion, same thought process with enlisting to begin with- right now it is all voluntary. USERRA protects the rights of any American who wishes to serve in the armed forces regardless of voluntary promotions which may equal more time away from work.

See P2 of the attached link

http://www.justice.gov/usao/az/reports/USERRA_Handbook.pdf

which states "There is no longer any differentiation between voluntary and involuntary service."

What is "service in the uniformed services?"

"The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person for any such duty, and a period for which a person is absent from a position of employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32." 38 U.S.C. 4303(13) (emphasis supplied). Law Reviews 45, 46, 50, 5

The law is clear that an employee may not be discriminated against for voluntary or involuntary service, as long as that military division falls under the provisions of USERRA.

Let me know if you need additional information.

Thanks,
Bonnie

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