

(Prepare on Employer Letterhead and attach an EXTENDED COVERAGE Election Notice)

The Local Choice USERRA Notice

Background

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). Only groups with 20 or more employees may offer EXTENDED COVERAGE while USERRA applies to all groups, regardless of size. In addition to the rights that you may have under EXTENDED COVERAGE, (described in the attached EXTENDED COVERAGE Election Notice) you (the employee) are entitled under USERRA to continue the coverage that you (and your covered dependents, if any) had under The Local Choice Health Benefits Program.

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 EXTENDED COVERAGE Election Notice.

Caution:

You May Have Rights Under Both EXTENDED COVERAGE and USERRA

Your rights under EXTENDED COVERAGE and USERRA are similar but not identical. Any election that you make pursuant to EXTENDED COVERAGE will also be an election under USERRA, and EXTENDED COVERAGE and USERRA will both apply with respect to the continuation coverage elected. If EXTENDED COVERAGE 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 EXTENDED COVERAGE Election Notice (for example, the procedures for how to elect EXTENDED COVERAGE 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.

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.

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/Apply for Reemployment 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.

More than 180 days - Submit an application for reemployment within 90 days after completion of your service.

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

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 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.

EXTENDED COVERAGE(if applicable) and USERRA Coverage Are Concurrent.

This means that EXTENDED COVERAGE coverage and USERRA coverage begin at the same time. However, EXTENDED COVERAGE 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 EXTENDED COVERAGE Election Notice). In contrast, USERRA coverage can continue for up to 24 months, as described above.

Premium Payments for USERRA Continuation Coverage

If you are on leave without pay as a result of being called to active duty in the armed services you may continue your coverage for you or covered family members for up to 24 months by paying the same contribution that active employee pay.

For more information

- *For information about USERRA health benefits continuation rights, and initial enrollment or to make changes after initial enrollment, contact:*

Insert Name of Group Benefits Administrator

Insert Address of Local Employer

Insert Local Employer Telephone Number

- *The plan administrator is:*

Commonwealth of Virginia
Department of Human Resource Management
101 N. 14th Street, 13th Floor
Richmond, VA 23219
Telephone: 804/225-2131

Keep your plan informed of address changes:

In order to protect your and your family's rights, you should keep the Local Employer informed of any changes in your address and the addresses of family members that occur after initial enrollment. You should also keep a copy for your records, of any notices you send to either administrator listed above.