

## SUMMARY OF USERRA RIGHTS

The following represents a summary of the rights afforded to Plan Participants who are ordered to active military service (USERRA Rights) as they relate to the Northern California Electrical Workers Pension Trust and the San Francisco Electrical Workers Health & Welfare Plan.

In order to qualify for USERRA re-employment entitlements, the employee must:

- 1) leave civilian employment for the purpose of engaging in military or other qualifying “uniformed” service; (*“Uniformed Service” includes the Armed Forces, active or inactive duty training in the National Guard, full time National Guard duty, Public Health Service duty, and any other service designated by the President in time of war or national emergency. This notice uses the term “military service” to include all qualifying “Uniformed Service”.*)
- 2) give the employer prior notice (oral or written) that the absence will be due to military service;

**Important: It is strongly suggested that members who are called to active military duty notify 1) the union dispatcher, 2) their current employer, and 3) the EISB office. The Union Office issues military service cards to members when they enter service or are recalled to military service, and requires the card to be returned to the local within 60 days of return to civilian life.**

- 3) claim USERRA benefits for military absences not to exceed five years;
- 4) not be released from military service under punitive or other-than-honorable conditions; and
- 5) return to the same civilian employer<sup>1</sup> within a certain amount of time, depending on the length of time the employee was absent. If the duration of military service is:
  - a. less than 31 days, the employee must return on the next working day allowing enough time for a safe return and 8 hours of rest,
  - b. more than 30, but less than 181 days, the employee must return within 14 days, or
  - c. more than 180 days, the employee must return within 90 days.

Even before the service member returns and satisfies all eligibility criteria, s/he is entitled to two types of benefits, provided adequate notice has been given and the five-year limit is not exceeded. They include:

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<sup>1</sup>Because employees who work under the Inside Wire Agreement are members of a “Multiemployer bargaining unit”, return to employment after military service may be to the same employer or to any other employer signatory to the Inside Wire Agreement as all signatory employers are considered a single employer for return to work purposes.

- 1) **Health Care:** Employees absent less than 31 days may elect to continue coverage under the health plan at the expense of the Trust. Employees absent more than 30 days, may elect to carry COBRA-like coverage for up to 24 months, including the initial 30 day period that is covered by the Trust at no cost to the member. After the first 30 days, the Trust Fund will charge the employee up to 102% of the cost of the coverage. (The 30-day limitation is based upon the fact that after 30 days in military service, the service member will qualify for coverage under the military's health care plan).

As a result, an employee's Hour Bank will be frozen effective with the first of the month following the month that eligibility will be provided from the member's last hours of employment before entering the service. For example, a member who last worked in November 2003 will have his/her Hour Bank frozen as of January with coverage for February provided at the expense of the Trust. A member who wishes to continue coverage for up to 23 additional months after February may then do so by remitting monthly COBRA like payments to the Trust Fund Office. After returning to civilian employment with proper notice, the Hour Bank will be reinstated immediately.

- 2) **Benefits Given to Others on Leaves of Absence:** Any benefits that are offered by an Employer to other employees on leaves of absence must also be offered to absent service members.

In addition to certain employment reinstatement rights and seniority protection, members who satisfy the eligibility criteria are also entitled to the following benefits as described below:

- 3) **Retirement Benefits:** Military service must be treated as service with an employer for both vesting and benefit accrual purposes. Once the service member returns from military service, s/he must be provided pension credit and benefit accrual for the entire length of military service. The Trust Office will determine your monthly accruals by averaging the hours that were reported during the 12 consecutive month period during which you worked the highest number of hours within the 24-month period immediately preceding the onset of your military service. Upon receipt of a satisfactory release from service, the hours will be applied towards the employee's pension credit under the Northern California Electrical Workers Pension Plan and the San Francisco Electrical Workers Retirement Individual Account will be credited for employer contributions at the hourly rate specified in the Collective Bargaining Agreement.

If a Salary Reduction Agreement was in effect at the time the employee entered USSERA service, the employee will have the option to make up the elective deferrals that he/she missed by depositing into the Plan an amount equal to the average elective deferral rate of contributions that you made during the 12 consecutive month period during which the highest amount of elective contributions were made within the 24 month period immediately preceding the date you commenced USSERA service, for each month of such service.

- 4) **Death & Accidental Death & Dismemberment Benefits:** A participant who is ordered to active military service under USERRA will continue to be covered under the Death and AD&D Benefit Provisions of the Plan (currently \$1,000) for the period in which they are in the service or five years, whichever is less.

In order to determine whether an individual has satisfied the time limits upon return to civilian life, the Plan Office will require documentation of the dates and satisfactory completion of service. This may include Form DD-214 (separation papers), a copy of the endorsed orders, or a letter from the commanding officer specifying the dates and character of service. A member who receives an unsatisfactory (less than honorable) discharge from the service will not be credited with the retirement benefits outlined above.