



## Returning to work following military service

**A**s employees of the Postal Service, letter carriers have the right to voluntarily serve in the armed forces while still maintaining their USPS employment. Situations in which an employee serves on active duty in the military include members of the reserve or National Guard components as well as those who chose to voluntarily enlist. Regardless of the reason an employee is absent from the Postal Service to serve on active duty, the return-to-work regulations are the same in each circumstance. The rules regarding military leave and the time limits for an employee to return to work are found in *Handbook EL-312*, Employment and Placement.

The first step to protecting an employee's right to return to work is to notify the Postal Service of the absence for military service. The rules governing this requirement are found in Section 771.5 of *Handbook EL-312*, which states:

### 771.5 Advance Notification of Entering the Uniformed Services

To ensure entitlement to reemployment and benefits, employees must give their immediate supervisor reasonable notice of the impending absence from work because of service in the uniformed services. The advance notice can be given by the employee orally, in writing, or:

a) Notification can also be made orally or in writing by the employee's military command. This situation may arise if military necessity prevents the employee from giving notification.

b) No advanced notice is required if it is precluded by military necessity, or it is otherwise impossible or unreasonable to give notice.

If an employee is unable to give the required notice due to an exception covered under Part b of this section,

they should document the reasons and keep it for their records. This could protect the employee in case the Postal Service attempts to deny the leave or the letter carrier's return to work.

Once an employee has finished their commitment to the military and been released from active duty, the amount of time they have to return to work at the Postal Service depends on how long they were absent. The longer an employee is absent for military service, the longer they have before they must return to work. The rules explaining these time limits are found in Section 773 of *Handbook EL-312*, which states:

a. **Service of 1 to 30 days.** The employee must report by the beginning of the first regular scheduled day of work following 8 hours after return home from the military service. If an employee's return to work within this time frame is unreasonable or impossible, and he or she is not at fault for the delay, the employee must return to work as soon as possible.

b. **Service of 31 to 180 days.** A written request for return to duty must be submitted no later than 14 days after the employee's completion of the military service. If submission of written request for return to duty is impossible or unreasonable through no fault of the employee, it must be submitted as quickly as possible.

c. **Service of 181 or more days.** A written request for return to duty must be made within 90 days from the date of discharge.

**Note:** Individuals who fail to request return to duty in writing within the above specified time frames do not forfeit their rights automatically. However, they are subject to discipline because of unexcused absences.

d. **Service-connected hospital-**

**ization or convalescence.** Members of the uniformed services, who are hospitalized or convalescing because of a service-connected disability incurred during active service, are required to return to work once recovered. They are to report or apply in accordance with their length of service as stated in a, b, and c above. The normal recovery period may not exceed 2 years. However, the 2-year period will be extended in order to accommodate circumstances that prevented the returnee from reasonably reporting or applying. This extension will be of minimum duration to reasonably resolve the difficulty beyond the returnee's control.

Although the rules regarding military leave and an employee's right to return to work are included in the *Handbook EL-312*, which is a Postal Service publication, these rights are guaranteed by law under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Employees who believe the rights afforded to them under USERRA have been denied have two options.

### Join the NALC Veterans Group

The NALC Veterans Group is designed to provide NALC members—both active and retired letter carriers—who are also military veterans the ability to connect with fellow NALC veterans and stay informed on issues of importance to letter carrier veterans. It is free to join.

Members receive a pin as a symbol of gratitude for their military service and membership in NALC.

If you are interested in joining the group, complete the sign-up card at [nalc.org/veterans](http://nalc.org/veterans).

First, letter carriers who are on military leave are still employees of the Postal Service and are covered by the collective-bargaining agreement. This gives them the ability to file a grievance if the military leave or their return to work were denied.

Second, veterans may file a claim with the U.S. Department of Labor's (DOL) Veterans' Employment and Training Service (VETS). Information about VETS and how to file a claim are available on the DOL website at [dol.gov/agencies/vets](http://dol.gov/agencies/vets). Letter carriers should keep in mind that

claims filed with VETS are outside of the grievance procedure and NALC does not represent employees in this forum.

**To avoid any issues with military leave** and returning to work following a period of active duty, letter carriers should review the Handbook EL-312 and the NALC *Veterans Guide*, which offers a detailed explanation of the rights enjoyed by military veterans. The guide is available in electronic format on the NALC website at [nalc.org/news/nalc-updates/body/Veterans-Guide-Final.pdf](http://nalc.org/news/nalc-updates/body/Veterans-Guide-Final.pdf). A hardcopy version of the guide is

provided to members of the NALC Veterans Group upon joining. For more information about the group and how to sign up, visit [nalc.org/veterans](http://nalc.org/veterans).

Letter carriers with questions about veterans' rights should speak to their shop steward or local branch officer. They may also contact the national business agent (NBA) who represents their region. Contact information for the 15 NBA regions is available on the NALC website at [nalc.org/union-administration/nalc-regions](http://nalc.org/union-administration/nalc-regions) or on page 2 of this magazine.

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