

## INCLUSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO MEMBERS OF THE STATE NATIONAL GUARD

1. **PURPOSE:** This notice revises definitions in VA Handbook 5005, Part III, Chapter 6, Reemployment Procedures Under the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, to include and extend certain employment and reemployment rights to members of the State National Guard who perform State active duty.
2. **POLICY:** The revised definitions provided below will be incorporated into VA Handbook 5005, Part III, Chapter 6, Definitions.
  - a. **Service in the Uniformed Services.** Performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, State active duty for 14 days or more, State active duty in response to a national emergency declared by the President under the National Emergencies Act ([50 U.S.C. § 1601](#) et seq.), State active duty in response to a major disaster declared by the President under § 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. § 5170](#)), a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform such duty, and a period for which a person is absent from employment to perform funeral honors duty as authorized by [10 U.S.C. § 12503](#) or [32 U.S.C. § 115](#).
  - b. **Uniformed Services.** The Armed Forces, the Army National Guard and the Air National Guard, when engaged in active duty for training, inactive duty training, or full-time National Guard duty, 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. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the National Disaster Medical System when federally activated or attending authorized training in support of their Federal mission is deemed “service in the uniformed services,” although such appointee is not a member of the “uniformed services” as defined by USERRA.
3. **RESPONSIBLE OFFICE:** Office of the Chief Human Capital Officer (05), Recruitment and Placement Policy Service (059). Questions regarding this notice may be directed to [VA Title 5 Staffing Policy](#).
4. **RELATED HANDBOOK:** VA Handbook 5005, Staffing.

- 5. RECISSION:** This notice will be rescinded when the information contained in it is incorporated into and a revised VA Handbook 5005 is published, within one year.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

*/s/*  
Guy T. Kiyokawa  
Assistant Secretary for  
Enterprise Integration

*/s/*  
Gina M. Grosso  
Assistant Secretary for  
Human Resources and Administration/  
Operations, Security and Preparedness

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