



Employment Rights for Veterans and Servicemembers

VETERANS

Am I entitled to a hiring preference? Yes. In Texas, wartime veterans, widows and orphans of those killed on active duty are entitled to a hiring preference when seeking employment. If the workforce is reduced, veterans have a 'retention preference' over non-veterans. To qualify, you must have at least 90 consecutive days of military service (or be discharged due to a service-connected -connected disability) and your discharge status must be other than dishonorable.

Can I collect unemployment benefits? If you are a servicemember separating from active duty, you may qualify for unemployment compensation if you are unable to find a new job. The Unemployment Compensation for Ex-service members (UCX) program provides unemployment benefits. In Texas, UCX is administered by the Texas Workforce Commission, www.twc.state.tx.us. You must show that you were on active duty in the US military and that you separated under honorable conditions. There is no payroll deduction from your wages for unemployment insurance protection.

Is my employer required to hold my job open while I'm on military leave? Yes. Texas law extends some federal employment protections for servicemembers and veterans available under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and adds some additional legal protections.

- In Texas, USERRA rights extend to all public and private sector employees who are veterans or currently in the armed services, of any rank, including reservists and members of the Texas State Guard. Employment protections apply regardless of whether the service is voluntary or involuntary, in peacetime or in wartime.
- An employer may not discriminate against an employee because of military service.
- A veteran or servicemember's job can be held open for up to 5 years of cumulative military service. Required trainings or national emergencies don't count against the 5 year cumulative.
- The employee is entitled to be rehired to the position they would have had if they had not left for military duty. In some situations this means a comparable position, but seniority, pay, and status remain the same.
- The employee can't be discharged or subject to adverse employment action for one year after the date of reinstatement, except for cause.
- If military duty is more than 30 days, the employee can opt to continue employer-based health insurance for up to 24 months, but might have to pay part or all of the premium. If not on the employer's insurance, the employee must be added upon return. If service is less than 31 days, the health plan stays in place as if the employee hadn't left.
- Pension plans and seniority will continue to accrue during the employee's absence on military duty. Employer funded retirement plans must continue pension and retirement contributions during the employee's leave of absence. Texas state employees can count their active duty military time towards state retirement.

How long do I have to report to my old job? If your absence was less than 30 consecutive days, you must report back to work on the first calendar day after completing your period of service (after accounting for transportation and 8 hours of rest). If returning within 31-180 days of discharge, you must submit an oral or written application for reemployment within 14 days after your period of service ended. If returning over 181 days from the date your military service ended, you must submit an employment application within 90 days after completing your service. These deadlines can be extended for up to two years to accommodate a service member or a veteran who is hospitalized or convalescing from an injury or illness that began during the period of military service.

Must my former employer also accommodate my service-connected disability? Yes. If you are recovering from an injury related to service, you have up to 2 years from the date of discharge to return to your job or apply for reemployment. The disability doesn't have to be permanent to receive an accommodation.