

**Title 58**  
**RETIREMENT**  
**Part IX**  
**Chapter 1**

**§103. Compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA)**

A. A sworn, commissioned law enforcement officer of the office of state police in any office, section, agency, commission, or branch of the Department of Public Safety and Corrections as defined in Title 36 of the Louisiana Revised Statutes of 1950 and member of this System (an "Employee"), who was granted a leave of absence in order to join the Uniformed Services (as defined in 20 C.F.R. § 1002.5(o)) shall be given service credit for the full time he or she was on such leave of absence, provided that he or she returns to the employment of his or her pre-service employer (the "Employer") within five (5) years (unless a different time period would apply under the federal laws governing veteran's reemployment rights), and provided such Employee returns to the service as an Employee within the applicable periods of time as specified in the following Paragraphs (1) through (4) of this Subsection after a separation from the military service in the Uniformed Services (unless federal law provides for a shorter or longer time period):

1. If the individual was in the Uniformed Services less than 31 days, he or she must report to the Employer:

a. Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the individual from the place of that service to the individual's residence; or

b. As soon as possible after the expiration of the eight-hour period referred to in Subparagraph (a), above, if reporting within the period referred to in such subsection is impossible or unreasonable through no fault of the individual.

2. In the case of an individual who is absent from the pre-service employer for a period of any length for the purpose of an examination to determine the person's fitness to perform service in the Uniformed Services, by reporting in the manner and time referred to in Paragraph (1), above.

3. In the case of an individual whose period of service in the Uniformed Services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the Employer not later than 14 days after the completion of the period of service, or, if submitting such application within such period is impossible or unreasonable through no fault of the individual, the next first full calendar day when submission of such application becomes possible.

4. In the case of an individual whose period of service in the Uniformed Services was for more than 180 days, by submitting an application for reemployment with the Employer not later than 90 days after completion of the period of service in the Uniformed Services.

B. In order to obtain service credit under this Section, an Employee shall be required to make a contribution to the System of the amount he or she would have paid as an active Employee. The Employee shall be required to contribute that portion of his or her Average Salary attributable to the period of time for which the Employee will receive credit under this Section, multiplied by the applicable rate set forth in La. R.S. § 11:62(10) in effect at the time of leave. "Average Salary," for this purpose, shall be the average salary, as defined in La. R.S. § 11:1310, that the Employee

was receiving from the Employer prior to commencing the leave of absence in order to join the Uniformed Services. The Employee shall not be required to pay any interest on the Employee's contribution made pursuant to this Section.

C. The Employee contribution required in Subsection (B) must be made within the time period starting with the Employee's date of re-employment and continuing for up to three (3) times the length of the Employee's immediate past period of service in the Uniformed Services, with the repayment period not to exceed five (5) years. If the contribution is not made within the applicable time period specified in this Subsection, no service credit shall be given under this Section, but an Employee may be able to purchase service credit pursuant to La. R.S. § 11:153 after the applicable time period has expired.

D. If the Employee has met all the terms and conditions of this Section, the Employee's service while in the Uniformed Services shall for all purposes be considered as continuous and uninterrupted service credit with the Employer.

E. To the extent not set forth herein, the System shall comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 U.S.C. §§ 4301, *et seq.*) as well as rules and regulations issued by the United States Department of Labor relating to USERRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:152.1 and 11:1302.1.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Louisiana State Police Retirement System, LR \_\_:\_\_\_\_ (\_\_\_\_\_).