



# Reserve Info Bulletin



## Exemptions to the Five-Year Cumulative Service Limit of USERRA

The Under Secretary to the Department of Defense chartered a Joint Forces Workgroup to formulate an action plan to standardize and publish, across the services, policies and procedures regarding the exemptions to the Uniformed Services Employment and Reemployment Act (USERRA) five-year cumulative service limit. The Workgroup produced an action plan that included the following:

- Under the various duty authorities, clarification and detailed reasons a reservist would be exempt from USERRA's five-year cumulative service limit.
- Identification of each service's office a reservist or employer would contact to allow easy adjudication of any questions and issues regarding orders qualifying for exemption.
- Standardization of required language, relating to each duty authority, to be included in reserve order notes, as requested by the Department of Labor.

### In response, the Director of Reserve and Military Personnel (CG-13) has:

- Issued a memorandum detailing exempted duty types (page 2 of this bulletin);
- Re-affirmed **CG-PSC-RPM** as the official office for adjudication of order exemption (Official memo correspondence may be emailed to [HQS-DG-CGPSC-RPM-1@uscg.mil](mailto:HQS-DG-CGPSC-RPM-1@uscg.mil)); and
- Adopted standardized language for exemption to be included in Reserve order notes. Please note: Until formal order notes are approved in Direct Access (DA) unit ADMIN divisions can make manual updates to order notes.

Reservists are encouraged to read and understand their rights and responsibilities under USERRA (<https://www.esgr.mil/USERRA/What-is-USERRA>) and engage their employers early in the order issuing process. Early and consistent communication will help identify and answer questions regarding order exemptions between all parties.

Reservists should also carefully review order notes for accuracy and exemption throughout the order issuing process to ensure order notes match the order authority.

A copy of the CG-13 memorandum may be obtained from CG-131's portal page at: <https://cg.portal.uscg.mil/units/cg131/Shared%20Documents/Forms/AllItems.aspx>



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## Exempted Duty Types:

### 10 U.S.C

- § 688 Retired Members Ordered to Active Duty
- § 12301(a) Congressional Declaration of National Emergency
- § 12301(d) Direct/Indirect Support of National Emergency or Terror Attacks under POTUS Proclamation 7463
- § 12301(g) Captive Status
- § 12302 Partial Mobilization
- § 12304 Presidential Recall
- § 12304b SELRES In Support of Combatant Commands
- § 12305 Suspension of Promotion, Retirement, or Separation
- § 10147 ADT-AT and IDT

### 14 U.S.C

- § 2127 Regular Officer on Retired List without Consent (formerly § 331)
- § 2128 Regular Officer on Retired List with Consent (formerly § 332)
- § 2308 Enlisted Member on Retired List without Consent (formerly § 359)
- § 2309 Enlisted Member on Retired List with Consent (formerly § 360)
- § 2314 Retained Beyond Term of Enlistment (formerly § 367)
- § 3713 Domestic Response (formerly § 712)

### 38 U.S.C

- § 4312(c)(3) Duty Necessary for Professional Development