



## Making Contributions for Military Leave Under 40 ILCS 5/15-157 (d) in Accordance with USERRA of 1994

Making Contributions for Military Leave Under 40 ILCS 5/15-157 (d) in Accordance with USERRA of 1994

This fact sheet should not be considered a substitute for the guidelines set forth in Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). For a complete explanation of USERRA rights, visit [www.dol.gov/vets/regs/fedreg/final/2005023961.htm](http://www.dol.gov/vets/regs/fedreg/final/2005023961.htm).

Military Leaves that are eligible for purchase under USERRA are periods during which the member is placed on a leave by their SURS-covered employer(s) for active duty in the uniformed services of the United States while a participating employee under this System; and

- The member returns to employment covered by SURS at the expiration of the leave or within 30 days after the termination of a disability that occurs during the leave; or
- The member is precluded from returning to employment because of disability or death.

The character of such service during the leave must be honorable to be eligible for purchase.

No contributions may be made for Military Leave after the earliest of the following:

- The effective date of a SURS retirement annuity or SURS disability retirement allowance
- The date of the participant's death
- A period beginning with the date of reemployment that is no longer than three times the period of military service, but not to exceed 5 years.

If the participant makes contributions for a Military Leave, but is later found to have failed to meet the conditions of USERRA, the payment(s) made shall be refunded without interest.

It is the member's responsibility 1) to inform their SURS-covered employer of their Military Leave and of their intention to exercise his or her rights under USERRA, as well as 2) to provide the SURS-covered employer and SURS with any required documentation, such as copies of military orders, contracts, and discharge papers. It is the SURS-covered employer's responsibility to provide SURS with information about the member's leave, such as basic rate of pay, forfeited earnings information, and leave begin and end dates. The employer should also report to SURS whether or not the Military Leave qualified as USERRA protected service.

In the event that a payment deadline may be difficult to meet, either due to a short period of Military Leave or by delayed or late documentation from the member or SURS-covered employer, the member may estimate the amount of contributions due for the period of the Military Leave and remit them to SURS in advance of the documentation. The amount of the payment can be estimated using the form Election to Make Contributions for Military Leave Under 40 ILCS 5/15-157(d) in Accordance with USERRA of 1994. The form should be signed, dated, and returned to SURS along with the payment. Payment may be made using this method with after-tax dollars only.

The actual amount due for the period of the Military Leave period indicated will be determined by SURS upon receipt of leave information from the SURS-covered employer(s) and will be calculated in accordance with USERRA, under the rules set forth in 80 Ill. Adm. Code Section 1600.240. Any overpayments that are discovered after the receipt of the required documentation will be refunded to the member without interest. If the leave period is discovered to be underpaid, the member will be billed for the difference only if the USERRA payment period has not expired. If it has expired, SURS will post only those funds received for payment on or before the expiration date.

If the member fails to make contributions within the time limits set forth in USERRA, they may choose to make contributions to SURS for the period of the leave if the leave is eligible under the rules for a leave of absence without pay. The amount of this payment would include interest at the SURS effective rates from the date the member returned from the leave up to the date the payment is received at SURS.