



USERRA Military Service Credit Application

You must read the instructions provided with this form before completing and making the certifications contained below.

MEMBER INFORMATION

Please type or use black ink only and do not highlight. Any corrections must be initialed.

Member's Name (first, middle, last) _____

Mailing Address _____

City _____ State _____ Zip _____

TMRS Identification Number (not required) _____

Social Security Number _____

Daytime Phone Number _____

Employer City Name ("City") _____

MEMBER CERTIFICATION – I hereby certify that:

- I was employed by the City and notified them of my intent to take military leave and that I was on military leave from my employment with the City for the period listed below.
- I was released/discharged from such uniformed services on or after December 12, 1994, under honorable conditions.
- I applied for re-employment with the City within 90 days of release/discharge (exception to deadline defined on attached instructions) and that I was and am still so re-employed by the City.
- I understand that I may submit payment to TMRS, for up to the Maximum Contribution Amount (described below), to make up for missed employee contributions, that such payment is optional, and that any such payment I make must be made during a limited time, which begins on the date of re-employment with the City and continues for up to three (3) times the length of my immediate past period of service in the uniformed services, such payment period not to exceed five (5) years.
- I understand that TMRS will calculate and notify me of the maximum amount of missed contributions that I may submit payment for in connection with this application (the "Maximum Contribution Amount").
- If I terminate employment with the City, I may no longer submit payment for such missed contributions, even if the calculated repayment period has not expired and even if I have not submitted payment for the full Maximum Contribution Amount that was calculated.

Member's Signature _____ Date Signed (MM/DD/YYYY) _____

(Official military documentation must be provided with the character of service prominently displayed)

CERTIFICATION BY CITY OFFICIAL *(To be completed by city official only)*

Date Entered Active Duty	Date Separated From Active Duty	Total Months Military Leave	Reemployment Date	Monthly Salary During Leave
				COMPLETE ATTACHED WORKSHEET

I certify that the monthly salary, period(s) of military leave, and re-employment date(s) provided are correct. I further certify that I have reviewed the appropriate military documents, that the member's reemployment application was timely, and that to the best of my knowledge the member qualifies for service credit under USERRA, including meeting all of the requirements contained in the "Certification of Eligibility by Participating Municipality" section of the Texas Administrative Code Rule 127.4 (a copy of which was provided with this form).

Signature of City Official _____ Date Signed (MM/DD/YYYY) _____

Printed Name and Title _____

City Name _____ City Number _____

Please read the information provided on the reverse side of this document and attachments.



APPLYING FOR USERRA MILITARY SERVICE CREDIT

If your City service was interrupted to perform service in the uniformed services (either voluntary or involuntary), you may be eligible to receive service credit under the provisions of the TMRS Act and the federal Uniformed Services Employment and Re-employment Rights Act (USERRA). Please read the attached Texas Administrative Code Rule 127.4 for detailed information related to this benefit.

Conditions for Use of this Form

- In most cases, you will use this form to establish credit for each month or part of a month in which you performed eligible service in the uniformed services, not to exceed 60 months. There are exceptions to the maximum number of months allowed in certain limited circumstances under USERRA. Contact TMRS for further information.
- The City must certify the monthly salary you earned or would have earned during military leave, the periods of military leave, and the re-employment date. The salary provided on the attached worksheet should indicate the “gross” monthly pay that was or would have been earned during military leave.
- You must have been employed by the City at the time you left for uniformed service and notified them of your intent to take military leave, either voluntary or involuntary.
- You must have been released/discharged from such uniformed services on or after December 12, 1994.
- You must have been released/discharged under honorable conditions.
- You must have applied for re-employment with the City within 90 days of release/discharge. Special deadlines apply in the event of re-employment after recovery from certain illness or injury in connection with military service. Contact TMRS for further information.
- A person who begins military service prior to the 16th day of a calendar month, or terminates military service after the 15th day of a calendar month is considered to have served a full month.
- You must complete a separate USERRA Military Service Credit Application for each period that you were on military leave from employment with the City and submit the completed form(s) with official supporting military documentation to TMRS. Discharge papers must clearly display the character of service.

Option to make up missed deposits

- You have the option to deposit with TMRS any or all employee contributions that would have been deposited to your TMRS account had you been employed by the City for the period of your immediate past period of service in the uniformed services as allowed by USERRA.
- Deposits may not exceed the amount that would have been required to be contributed had you remained continuously employed with the City throughout such period in uniformed services.
- TMRS will calculate the Maximum Contribution Amount you are allowed to deposit based on the salary information certified by the City.
- Deposits must be made during a time period starting with the date of your reemployment with the City and continuing for up to three (3) times the length of your immediate past period of uniformed service, with the repayment period not to exceed five (5) years.
- Within the allowable period for making deposits and while re-employed by the City, you may make deposits at any time and in any amount up to the Maximum Contribution Amount calculated.
- Deposits may only be made while re-employed by the City. If you terminate employment with the City, you may no longer submit payment for any missed contributions, even if the repayment period has not expired and even if you have not submitted payment for the entire Maximum Contribution Amount.
- For example: Active duty time is 24 months. Generally, you would have 60 months to submit deposits, since $24 \times 3 = 72$, but the repayment period may not exceed 5 years (i.e. 60 months). If you terminate employment with the City prior to the end of the 60 month period, your right to make deposits expires when you terminate employment with the City.

Texas Administrative Code

(Title 34, Part 6, Chapter 127)

RULE §127.4 Credited Service under the Uniformed Services Employment and Reemployment Rights Act

(a) Definitions.

- (1) Eligible Member** — An employee of a participating municipality who is or would be considered to be employed in a position eligible for membership but who leaves employment with that municipality to perform service in the uniformed services; whose employer was notified of the obligation or intention of the employee to perform service in the uniformed services; who is released or discharged from such service on or after December 12, 1994, under honorable conditions; whose cumulative period of service in the uniformed services with respect to that participating municipality does not exceed five years not including periods excluded under 38 USC §4312(c); who applies for reemployment with that participating municipality within 90 days of release or discharge from the uniformed services, or after recovery from an illness or injury incurred in, or aggravated during, the performance of service in the uniformed services (but such recovery period does not exceed two years); and who is reemployed by the participating municipality.
- (2) Uniformed Services** — The Armed Forces of the United States of America; 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.
- (3) Service in the Uniformed Services** — The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty for training, National Guard duty under Federal statute, and a period for which an employee is absent from a position of employment for the purpose of an examination of to determine the fitness of the employee to perform such duty.
- (4) Participating Municipality** — A municipality as defined in §851.001(9) of the Act (including entities having the status of a municipality under Government Code, §852.005 of the Act) that is participating in the Texas Municipal Retirement System at the time the eligible member leaves employment with the municipality to perform service in the uniformed services; or a municipality that is not participating in the System at the time the employee leaves employment with the municipality to perform service in the uniformed services but commences participating during the period of the employee's performance of duty in a uniformed service.

(b) Certification of Eligibility by Participating Municipality. An eligible member will be credited with current service in accordance with the Uniformed Services Employment and Reemployment Rights Act (the USERRA) (38 USC §4301 et seq.) upon certification by the participating municipality on forms provided by the system:

- (1)** that the eligible member's reemployment application is timely;
- (2)** that the eligible member has not exceeded the service limitations set forth in the USERRA;
- (3)** that the eligible member was not released or discharged from the uniformed service under other than honorable conditions;
- (4)** the period in which the eligible member performed service in the uniformed services;
- (5)** that the eligible member did not receive service credit for the period of uniformed service;
- (6)** the estimated compensation that the eligible member would have received from the municipality but for the period of service in the uniformed services; and
- (7)** the eligible member's date of reemployment with the participating municipality.

(c) Crediting of Current Service under the USERRA.

- (1)** An eligible member shall be credited with one month of current service credit for each month or part of a month in which:
 - (A)** the eligible member performed service in the uniformed services; and
 - (B)** a person who begins military service prior to the 16th day of a calendar month, or terminates military service after the 15th day of a calendar month is considered to have served a full month; and
 - (C)** the participating municipality participated in the system.

- (2)** An eligible member may, but is not required to, deposit with the system any or all employee contributions that would have been deposited to his/her individual account for each period during which he/she performed service in the uniformed services if the eligible member had been employed with the participating municipality during the period of uniformed service. Deposits under this provision are subject to the following rules:
- (A) The total deposits may not exceed the amount the eligible member would have been required to contribute had the eligible member remained continuously employed by the participating municipality throughout the period of service in the uniformed services.
 - (B) The compensation upon which allowable deposits will be calculated is the estimated compensation that the eligible member would have received from the participating municipality but for the period of service in the uniformed services.
 - (C) For purposes of determining the amount of current service credit and allowable monetary credit, months of uniformed service and estimated compensation shall be calculated from the later of the date the eligible member entered service in the uniformed services or the date the participating municipality commenced participation in the system.
 - (D) Within the allowable period for making deposits and subject to the maximum total amount of deposits, an eligible member may make deposits at any time and in any amount.
 - (E) Deposits must be paid directly to the system by the eligible member, will be treated as after-tax contributions, and may not be returned until the member terminates from all covered employment in this system.
 - (F) Deposits will be allocated prospective interest only, and in the same manner as interest is allocated on member contributions to individual accounts.
 - (G) Deposits, when received by the system, shall be credited to the eligible person's individual account and shall be considered to be contributions attributable to the months of uniformed service performed beginning with the earliest month of uniformed service.
 - (H) For vesting and funding purposes, current service credit, and any monetary credit arising from voluntary deposits, shall be considered as having been earned through service with the reemploying municipality and as having been credited during the period of uniformed service.
 - (I) An eligible member receiving service credit for a specific month pursuant to §853.506 may not receive service credit for the same month under any other provision of the Act.
 - (J) Deposits must be made during a time period starting with the date of an eligible member's reemployment with the participating municipality and continuing for up to three (3) times the length of the member's immediate past period of uniformed service, with the repayment period not to exceed five (5) years. Deposits may be made only during this period and while the member is employed with the post-service reemploying municipality.