

The CREW Act & USERRA

Workforce Protections Available to all FEMA Reservists

The Civilian Reservist Emergency Workforce (CREW) Act of 2022 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and the Uniformed Services Employment and Reemployment Rights Act (USERRA) to prohibit discrimination by civilian employers based on membership as a FEMA Reservist, and/or service as a FEMA Reservist when deployed to disasters and emergencies, or when training for such, on behalf of FEMA.

USERRA protects against discrimination in civilian employment based on membership in, and service in, the uniformed services. USERRA's definitions of "uniformed services" and "service in the uniformed services" now includes FEMA's Reservists, thanks to the CREW Act. USERRA applies to all public and private employers in the United States and safeguards all categories of employees including executive, managerial, and professional employees. It also protects temporary, part-time, probationary, and seasonal employees.



One of the major protections offered by USERRA is the ability to leave your full-time employment to perform service in the uniformed services, and then return to that employment upon completion of your service. To be eligible for reemployment at another job following a FEMA deployment, Reservists must meet these five conditions:

- Hold a civilian job besides the Reservist appointment;
- Have given written or verbal notice to the civilian employer prior to leaving the job for Reservist training or deployment except when precluded by FEMA necessity;
- Not have exceeded the 5-year cumulative limit on periods of FEMA service (note: this is per employer);
- Have been released from service under conditions other than dishonorable for military reservists and National Guard (note: FEMA is determining how this applies to Reservists); and
- Report back to the civilian job in a timely manner or submit a timely application for reemployment.

USERRA also provides certain protections while deployed. The employer may not require Reservists to use accrued vacation, annual, or similar leave during a deployment. USERRA also requires employers to continue to provide health and pension plan coverage for a specific period of time.

Additional Information

If you have questions about how the CREW Act affects your deployment, you can email FEMA at FEMA-CREW-Act@fema.dhs.gov or visit the [FEMA CREW Act FAQs](#) on the www.FEMA.gov website.

For more detailed information about USERRA rights and protections, please visit the U.S. Department of Labor website ([Know Your Rights | U.S. Department of Labor \(dol.gov\)](#)) or call 1-866-487-2365 from 8 a.m. to 8 p.m. Eastern time.

Note: This material is for information only and should not be considered as legal authority. This fact sheet is directed to FEMA Reservists. Contact the U.S. Department of Labor at 1-866-USA-DOL (1-866-487-2365) with specific questions and employee situations regarding USERRA.



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