



Wisconsin Retirement System  
**USERRA, Military Crediting and  
Workers Compensation Reporting**

By Aaron Powers - Employer Education Officer

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**Goal**

The Department of Employee Trust Funds  
(ETF) would like provide you with the  
necessary information to ensure the  
accurate reporting of Military Service and  
Worker's Compensation data

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## USERRA & Military Leave

- WRS Military Service Credit can enhance a retirement benefit for those members with active military duty prior to 1974
- USERRA is a federal law provides a make-up retirement credit to uniformed service employees

Encourage your employees to submit a copy of their DD-214 to ETF

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## USERRA Retirement Crediting

USERRA allows for employee required make-up contributions to a defined benefit plan (such as the WRS) beginning with the date of reemployment and ending on the earlier of:

- Three times the period of military service
- or
- five years

Employees have the choice to repay all, some or none of the mandatory employee required contributions

Employees cannot be required to pay interest charges

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## Qualifying Uniform Service

- Active duty
- Active duty for training
- Inactive duty for training which includes weekend drills if part of a normal scheduled work week
- Annual training
- Training for which orders are given
- Time a person is absent for the purposes of a fitness exam
- Corps of Public Health Service

(Any uniform service qualifies whether it be volunteer, required duty, or training)

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## Employee Responsibilities

1. Notify employer of military leave
2. Leave the military under honorable conditions
3. Return to same employer within the following time limits depending on length of service
  - Fewer than 31 days; report on next regular scheduled workday after receiving adequate travel and rest
  - 31 – 180 days; return within 14 days after completion of service
  - More than 180 days; return within 90 days after completion of service
4. Provide employer with a copy of his or her leave and earnings statement or DD-214 showing the date of entry and discharge

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## Two Reporting Options

1. For employee covered under a collective bargaining agreement (CBA) which requires the employer to pay *all* employee required contributions, report hours and earnings like any other active employee
2. If employee is *not* covered by CBA, place that employee on an unpaid military leave of absence

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## Reporting Option #2

- The employee has not satisfied USERRA requirements until they return to the same employer
- Upon return employees choose repayment details
- Employer is obligated to make employer required contributions
  - And fund any additional obligations, including retroactive interest earnings on any contributions
- When employee returns to work, employer is required to submit *USERRA Certification* form (ET-4560) with a copy of employee's DD-214 or other military papers that show entry and discharge dates
  - If military service is 30 days or less, entry/discharge documentation not required

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## USERRA Certification ET-4560

- Differential wage payments →
- Contributions made prior to submitting the ET-4560
- Breakdown of the qualifying time →

### USERRA Certification

**Section A: Employee Information**

Employee Name		Social Security Number
Mailing Address		ETF Member ID Number
City, State, Zip	E-mail (Optional)	Phone Number

I understand that I have the option of paying back all, some or none of the Wisconsin Retirement System (WRS) employee-required contributions dating to the military leave of absence for which I am electing my rights under USERRA. If I choose to make up some or all of the employee-required contributions, I understand that I will need to contact my employer to arrange to have employee make up contributions deducted from my payroll.

Yes  No  I have attached a copy of my DD-214 or other military paperwork. (Military paperwork is required for service periods of more than 30 days.)

Signature \_\_\_\_\_ Date \_\_\_\_\_

\*ETF cannot predict what impact, if any, the making-up of missed WRS employee-required contributions may have on an individual's retirement benefits.

**Section B: Employer Certification**

I hereby certify that the employee above has met all of the qualifications for reemployment under the Uniformed Services Employment and Reemployment Act (USERRA) 38 U.S.C. 4301-4333.

Yes  No  This employee is subject to differential wage payments.  
Employer and employee contributions were paid in full prior to submission of USERRA certification. (Applicable only when full contributions are paid under a collective bargaining agreement, differential pay, or within same or next monthly remittance.)

Employer Number \_\_\_\_\_ Employer Name \_\_\_\_\_

Certifying Person's Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_ Ext. \_\_\_\_\_

**Section C: Qualifying Time Period**

Fill out one row for each qualifying calendar year. Based on 2011 Wisconsin Act 10, for calendar year 2011, please complete two rows. The first row should include pre-Act 10 employee category information, and deemed hours and earnings. The second row should include post-Act 10 employee category information, and deemed hours and earnings.

Leave Date: \_\_\_\_\_ Return Date: \_\_\_\_\_

Employee Category	Last date of employment or paid leave prior to USERRA-qualifying time (MM/DD/CCYY)	First date of employment or paid leave following USERRA-qualifying time (MM/DD/CCYY)	Teachers/Judges/Educational Support Personnel Only (January-June)		Calendar Year-to-Date (All Employees, including Teachers, Judges & Educ. Support Personnel)	
			Fiscal Hours of Service	Fiscal Earnings	Calendar Hours of Service	Calendar Earnings

In compliance with the Americans with Disabilities Act, ETF will provide help filling out this form upon request. You may request help by calling (877) 533-5929 or (608) 265-3293 local to Madison.



## What To Expect From ETF

- ETF will produce an estimate *totaling* the amount of make-up contributions indicated as deemed earnings on the ET-4560.
- Will automatically credit the employees service hours regardless of repayment of contributions
- Distribute copies to employer and employee with the *Make-up Contribution Tracking* form (ET-2573)
- ETF initially provides the (ET-2573) with the estimate; however, it's the employer's responsibility to generate and create a new form each month
  - All forms available online at:
   
[etf.wi.gov/publications/employer.htm](http://etf.wi.gov/publications/employer.htm)

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## USERRA Make-up Tracking Report (ET-2573)

- Complete and return form each month
  - Must correspond with box 4 (other payments) of the remittance report
- Not required if the total employee and employer contributions are paid in full and included on the current or following month's remittance report

Department of Employee Trust Funds  
P.O. Box 7931  
Madison, WI 53707-7931

### USERRA Make-up Contributions Monthly Tracking Report

Employers should use this report to document monthly installments of employee and employer make-up contributions made in connection with an employee who returns from a paid leave of absence and elects his or her rights under USERRA to pay back the employee's share of employee-required contributions dating to the month of the employee's return. The total employee and employer contributions reported on this form should equal the total employee and employer contributions reported on the employee's monthly remittance report.

See the Department of Employee Trust Funds website for instructions on calculating the employer-required make-up contributions (including employer-required matching contributions) of the employer's monthly remittance report.

Employee Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ ETF Member ID Number: \_\_\_\_\_

Employer Name: \_\_\_\_\_

Employer Number: \_\_\_\_\_

Person Submitting this Form: \_\_\_\_\_

The \_\_\_\_\_ (month), 20\_\_\_\_ monthly remittance report includes the following USERRA employee-required and matching employer-required make-up WRS contributions:

Employee-Required \_\_\_\_\_ (amount)

Employer-Required \_\_\_\_\_ (amount) (Include duty disability, previous service balance, and sick leave credit contributions if applicable. Please refer to your employee's USERRA estimate for instructions on calculating the employer-required total.)

Please submit this form to ETF via mail, fax or e-mail:  
Employer Communications fax number: (608) 266-0133  
E-mail: [etfweb@etf.state.wi.us](mailto:etfweb@etf.state.wi.us)

For use when employee chooses payment through multiple payroll deductions



## USERRA Remittance Reporting

1. Over or Underpayment and/or Interest Due for Late Reported	<input type="text"/>
2. Additional Contributions	<input type="text"/>
3. Total Invoice Items (from below)	<input type="text"/>
4. Other Payments	<input type="text"/>
5. GRAND TOTAL OF ALL LINES ABOVE (System will calculate the grand total)	<input type="text"/>

Invoice Detail Section

	Invoice Number	Amount		Invoice Number	Amount
Invoice 1	<input type="text"/>		Invoice 4	<input type="text"/>	
Invoice 2	<input type="text"/>		Invoice 5	<input type="text"/>	
Invoice 3	<input type="text"/>		Invoice 6	<input type="text"/>	

Indicate make-up contributions in Box #4

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## Differential Military Pay (Earnings Offset)

<b>Employer Annual Salary</b>	<b>\$50,000</b>
<b>Military Annual Salary</b>	<b>\$40,000</b>
<b>Differential Pay</b>	<b>\$10,000</b>

- Differential pay requires corresponding contributions
- State law requires differential pay provisions for state employees that includes retirement contributions
- If a local government employer has a policy with differential pay in effect they are expected to remit corresponding contributions in the same fashion
- If an employees differential pay is large enough to pay the total cost of a required contribution you may report the employees total contribution to ETF

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## Annual Transaction: Unpaid Military Leave of Absence

Report Date	12/31/2013
SSN/Name	SSN/ Bob
Employment Category	42
Action Code	50
Action Date	N/A
Last Earnings Date	08/31/2013
FY Hours & Earnings	1000.00 hours    \$18,000.00
CY Hours and Earnings	1352 Hours    \$24,336.00
EERC (Pre-tax)	\$1,438.82
BAC	N/A
Additional Employee Paid	N/A
Additional Employer Paid	N/A

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<b>Employer Information</b>		Report Date: 12/31/2013
Employer:		
Agent Title:		
Agent Name:		
<b>Employee's Indicative Data</b>		
Social Security Number:	123456789	
First Name, Middle Initial:	Robert <input type="checkbox"/>	
Last Name:	Smith	
<b>Coverage Data</b>		
Last Earning Date:	08/31/2013 (mm/dd/ccyy)	
Employment Category:	<input type="text" value="Please select one"/> <input type="text" value="30 General Employment"/> <input type="text" value="31 Court Reporter"/>	
<b>Earnings</b>		
Calendar Year to Date (Jan-Dec)	Hours	Earnings
	<input type="text" value="1000.00"/>	<input type="text" value="18000.00"/>
<b>Contributions Deducted from Employee</b>		
Post-Tax Employee Required Contribution:	<input type="text"/>	
Pre-Tax Employee Required Contribution:	<input type="text" value="1618.34"/>	
<b>Additional Contributions</b>		
	Fixed	Variable
Employee Paid:	<input type="text"/>	<input type="text"/>
Employer Paid:	<input type="text"/>	<input type="text"/>
<input type="button" value="Submit"/> <input type="button" value="Clear"/>		



## Employee Does Not Return to Work by Choice

- Unpaid military leave of absence
  - Submit termination for employee as of the date military service began
  - An employee on military leave being reported as active will need remittance adjustments
    - Please contact ETF at 877-533-5020 *opt 2*, to correct previous reports

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## Temporary Workers Compensation (WC)

Employers must report hours and earnings for any WRS participating employee during **any** period they receive Worker's Compensation benefits

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## Temporary Workers Compensation (WC)

- Earnings reported at the rate that would have been paid had the disability not occurred
- Report service on same basis as was reported immediately prior to the temporary disability
- Once employee terminates or the disability is determined, the employer will stop reporting earnings and service
- Employer is required to pay all employee and employer required contributions until employee returns to work at which point the employer can begin recovering the funds
- The amount recoverable (which is optional) may not be deducted from the employee's paycheck at a rate greater than 5% of the gross earnings each paycheck.

If initial injury occurred with another employer, but a *recurrence* results in a WC award, the present employer must comply with all of these requirements

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## Reference

- *WRS Administration Manual (ET-1127)*
  - Chapter 14 – Termination rule and reporting
  - Chapter 22 - USERRA
- [etf.wi.gov](http://etf.wi.gov)
  - Employers menu



## Thank You for Watching

**Please complete the short survey**  
click on the “show polls” button in the viewer



Have a great day!