



Empowering Our
Greatest Asset

Employer Support of the Guard & Reserve

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July 18-21, 2011



**2011 Worldwide Human
Resources Conference**

Department of Defense



ESGR



EMPLOYER SUPPORT OF THE GUARD & RESERVE





TOPICS



- USERRA – The Uniformed Services Employment and Re-employment Rights Act
- Who is ESGR?
- How can ESGR help you?





ESGR is the G/R & Employer Support Network



- **The DoD agency established to gain and maintain employer support for the Guard and Reserve**
- **Over 4,700 volunteers in all States, Territories, and District of Columbia**
- **Assist Employers & G/R Service Members**
 - ✓ **understand their rights and responsibilities under USERRA**
 - ✓ **mediate USERRA related employment issues**
- **Employers Provide means to encourage & reward employers who do more than the minimum for G/R Service members**



Changing Face of the Military



Formerly

Draft
Reserve in “Reserve”
Independent nations

Now

Total voluntary service
Reserve is part of operational plan
All nations are linked

Implications

- ✓ G/R* on active duty for extended time
- ✓ G/R units & individuals on repeated deployments
- ✓ G/R is nearly half of total military
- ✓ G/R currently serving in 14 countries
- ✓ Deactivated Since 9/11 – 715,540
- ✓ About 806,605+ G/R have served on active duty since 9/11/01

*G/R = Guard / Reserve



WHO ARE GUARD & RESERVISTS



- National Guard and Reservists are our nation's citizen soldiers who are in the:
 - Army National Guard
 - U.S. Army Reserve
 - U.S. Marine Corp Reserve
 - Navy Reserve
 - Air National Guard
 - Air Force Reserve Command
 - U.S. Coast Guard Reserve



Vision & Mission



- **VISION**

- Develop and promote a culture in which all American employers support and value the military service of their employees with ESGR as the principal advocate within DoD.

- **MISSION STATEMENT**

- We will develop and promote employer support for Guard and Reserve service by advocating relevant initiatives, recognizing outstanding support, increasing awareness of applicable laws, and resolving conflict between employers and service members.



Advocate, Recognize, Inform, Mediate



- **Advocate**
 - Relevant Initiatives
- **Recognize**
 - Statements of Support identify supportive employers
 - A “graduating” scale of employer awards – Patriot Award, Above and Beyond, Pro Patria culminating with the Secretary of Defense’s Employer Support Freedom Award
- **Inform**
 - Employers and service members on their rights and responsibilities under USERRA
- **Mediate**
 - Cadre of highly trained personnel (Ombudsman) act as neutrals to mediate USERRA issues



Importance of ESGR



- Nearly 50% of military forces are now in Guard or Reserves
- 30-45% of the Selected Reserve are self employed or work for small companies
- Increasing OPTEMPO (now 20 times busier than during the cold war)
- 30% of our Selected Reserve leave due to employer conflict

ESGR and the programs that make it up are a tool for Attrition and Retention Management.



Importance of ESGR



Reserve Component Members

136,707	On active duty as of 27 OCT 09
736,317	Mobilized since 11 SEPT 01
1,324,728	Total Reserve as of 31 AUG 09
854,566	Selected Reserve members as of 31 AUG 09
48%	Percentage of Total Force

Source – 1st Quarter 2010 ESGR Talking Points

www.esgr.mil

<http://www.esgr.mil>



Programs and Services



- Ombudsman Services
- Military Leadership Support
- Employer Outreach
- Briefings with the Boss
- Fact Sheets and Brochures
- Bosslifts
- Statement of Support
- Award and Recognition Programs
- Public Service Announcements
- ESGR Web Sites



Programs and Services



- *Ombudsman Services*
 - Provides information, counseling, and informal mediation to resolve issues relating to compliance with USERRA Counseling
 - Call 1-800-336-4590 or visit www.esgr.mil



Ombudsmen



- **Specifically trained ESGR Team who proactively assist Service members and employers resolve USERRA employment related problems**
 - ✓ **Are confidential, neutral participants in all efforts**
 - ✓ **Provide information and answer questions**
 - ✓ **Serve as a mediator on USERRA issues between Service members & employers**
 - ✓ **Resolve most cases within 14 days**
 - ✓ **Are qualified by National ESGR after intensive training**



Programs and Services



- *Military Leadership Support*
 - Military Outreach Program: volunteers meet and develop support relationships with commanders
 - Mobilization briefings
 - Annual USERRA briefing
 - Training
 - Public Affairs
 - Family Readiness



Military Outreach



- ✓ **Brief G/R service members on USERRA & ESGR, particularly just prior and just after deployment**
- ✓ **Gain & maintain relationships with area G/R leaders and units**
- ✓ **Send direct mail on USERRA / ESGR to G/R Service members**
- ✓ **Encourage SOS signings among military leadership**
- ✓ **Engage recruiters**
- ✓ **Work with public affairs to place information in military/civilian publications, web-sites and newsletters**



Programs and Services



- *Employer Outreach*
 - Awards and Recognition Events
 - Education Briefs
 - Job Fairs and Trade Shows
 - Bosslift Program
 - MA Website www.maesgr.org
 - Showcases *LOCAL* Supportive Employers
 - Highlights Outreach Events



Employer Outreach



- Educate Employers about their rights and responsibilities under USERRA
- Encourage Employers to develop HR policies that go above and beyond the law
- Contact employers for participation in the Statement of Support program
- Initiate and manage employer events
- Recognize employers who meet or go beyond the law through awards





Programs and Services



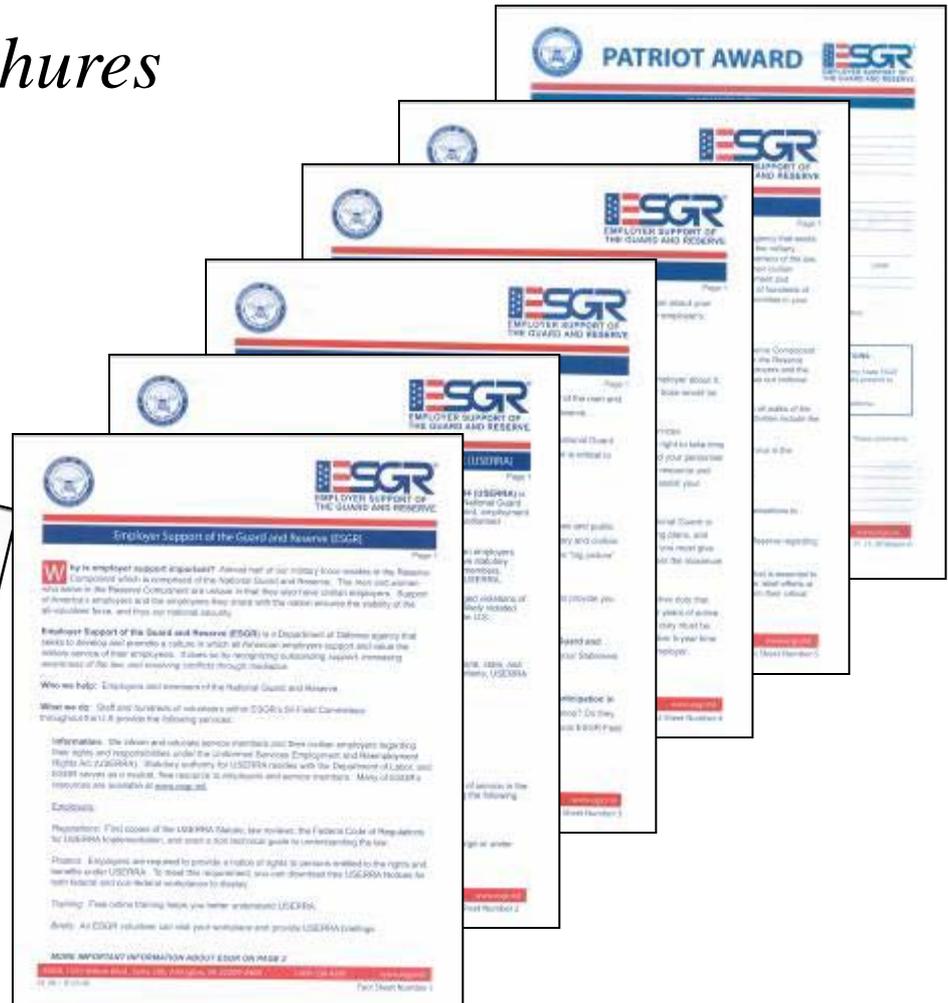
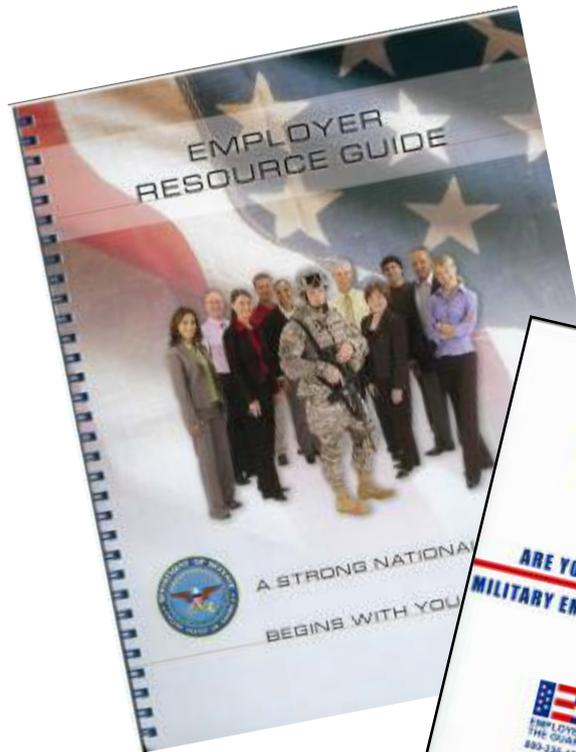
- *Briefing with the Boss*
 - Candid exchange of information between employer, unit leadership and the reservist
 - Role of the reservist within the total force
 - Reservist is open and honest with employer



Programs and Services



Fact Sheets and Brochures





Programs and Services



- *Bosslifts*

- Employers see what Guard and Reserve Members actually do first hand
- Employers see the valuable training that's conducted
- Military training enhances civilian job specialties



Bosslift to Fort Sill Oklahoma



www.esgr.mil

<http://www.esgr.mil>



Programs and Services



- *Statements of Support*
 - Employers sign this statement and pledge:
 - Fully recognize, honor and enforce USERRA
 - Managers and Supervisors will have tools to effectively manage Guard and reserve Employees
 - Continually recognize and support service members and their families in peace, crisis, and in war.



**STATEMENT OF SUPPORT
FOR THE GUARD AND RESERVE**

★★★★★

We recognize the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

Therefore, we join other employers in pledging that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We will continually recognize and support our country's service members and their families in peace, in crisis and in war.

Employer

Chairman
National Committee for Employer
Support of the Guard and Reserve

Secretary of Defense

Date





Programs and Services



Awards and Recognition

- Initial award
 - Patriot Award
- Selected employers receive the
 - Above and Beyond Award
- Top employer for each state receives
 - Pro Patria Award
- Nation's top employer receives
 - Secretary of Defense Employer Support Freedom Award



Pro Patria Award



Freedom Award



Employer Recognition



THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

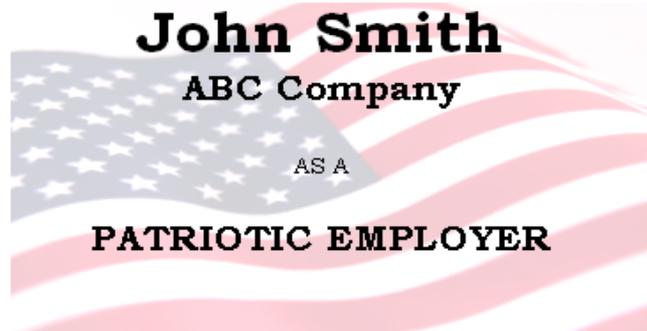
Recognizes

John Smith

ABC Company

AS A

PATRIOTIC EMPLOYER



FOR CONTRIBUTING TO NATIONAL SECURITY AND PROTECTING LIBERTY AND
FREEDOM BY SUPPORTING EMPLOYEE PARTICIPATION IN
AMERICA'S NATIONAL GUARD AND RESERVE FORCE

L. Gordon Sumner Jr.

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EXECUTIVE DIRECTOR
NATIONAL COMMITTEE FOR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

James G. Rebolz

JAMES G. REBOLZ
CHAIRMAN
NATIONAL COMMITTEE FOR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE



Programs and Services



- *Public Service Announcements*
 - Employer targeted advertising
 - Educates the public on the RC contribution
 - Highlights the critical need for employer support
 - Raises awareness of RC members skills



Programs and Services



www.esgr.mil

www.esgr.mil

<http://www.esgr.mil>



Statement of Support Employers Agree:



- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve
- We will continually recognize and support our country's service members and their families in peace, in crises, and in war





What Employers Have Provided Service Members



- **Regular contact with Service members (Email, Care Packages, etc.)**
- **Home maintenance**
- **Family assistance**
- **PC's & connections for Service members and families**
- **Differential Pay: Making up the difference between normal salary and Reserve salary**
- **Providing health insurance for families at home**
- **“Wall of Honor” with pictures of G/R**



Uniformed Services Employment & Reemployment Rights Act (USERRA)



- **Primary purpose: Protect employment rights of persons who also serve in the uniformed service**

That is:

Protect employees who engage in military service to the same level of seniority, status, pay and benefits that would have accrued, but for the service



USERRA



Service Member Responsibilities

- **Provide prior notice to employer**
- **Serve under honorable conditions**
- **Return to work in accordance with USERRA guidelines**



Employer Requirements



- **Military obligations cannot be used as a motivating factor not to hire, promote, or deny a pay raise**
 - **Military leave of absence**
 - **Prompt reinstatement of employee**
 - **Restore seniority**
 - **Reinstate employment benefits**
 - **Training or refreshing of skills**
 - **No discrimination or retaliation**



Employer Requirements



Veterans' Benefits Improvement Act of 2004 (VBIA)

- Requires employers to notify employees of their USERRA rights

USERRA Poster

- Posting the USERRA Notice meets VBIA requirements
- Employers may download the USERRA Poster from the [ESGR.mil](http://www.esgr.mil) website. It is located on the front page under [“USERRA Poster Download”](#).





USERRA: Who is Covered?



USERRA has no statute of limitations

Applies to:

- Full-time or part-time employees
- Applicants for employment
- Employers with even one part-time employee
- Regular military, Guard & Reserve

If Service Member is:

- Federal active duty = Covered by USERRA
- Federally funded state active duty = Covered by USERRA
- State Militia on state active duty (floods, fires, hurricanes, security, etc.) = Not covered by USERRA but may be covered by a similar state law
- State active duty = Not covered by USERRA



Service Member Responsibilities



- ✓ Have left a civilian job for military obligations
- ✓ Provide advance notice to employer of military service (preferably in writing)
- ✓ If on extended active duty, received a qualifying military separation (served honorably)
- ✓ Timely notice to return to work

Service

- ✓ 1-30 days
- ✓ 31-180 days
- ✓ 181 + days

Return to Work Within

- next shift after 8 hours of rest
- 14 days
- 90 days



Frequently Asked Questions



- **Does USERRA protect G/R Service member if service was voluntary or weekend drills?**
- **Is G/R Service member required to provide written orders for military duty?**
- **Does the G/R Service member have to find a replacement for their absence on military duty?**
- **Does G/R Service member have to use vacation for military service?**



Top USERRA Violations



- **Termination**
- **Discrimination**
- **Job Placement**
- **Pay Rate**
- **Work Schedule**



Rights Under USERRA



- Vacation pay
 - ***Service members cannot be forced to use vacation time for military service***
 - May use vacation accrued before the beginning of military service instead of unpaid leave
- Shift Coverage
 - Not Required to Alter Work Schedule or Find a Replacement



Rights Under USERRA



- Pension/Retirement Plans
 - Must be treated as not having break in service with the employer
 - Military service considered service with employer for vesting and benefit accrual
 - Entitled to any accrued benefit only to the extent that person repays employee contribution.
 - Repayment can be made 3X period of Military service but no longer than 5 Years



Rights Under USERRA



- Health Benefits
 - May elect to continue coverage up to 24 months (plus time allowed to apply for reemployment)
 - Cannot be required to pay more than 102% of the full premium
 - Not required to pay more than the normal employee share of any premium for periods of Military service of 30 or fewer days
 - Immediate reinstatement upon reemployment
 - No waiting period or exclusion (*except VA disabilities*)



Rights Under USERRA



- Forfeiture of rights
 - Written notice of intent not to return
- Disqualifying Service
 - Dishonorable or bad conduct discharge
 - Other than honorable conditions
 - Dismissal of a commissioned officer
 - Absent without authority for more than three months; imprisonment by a civilian court



Protection from Discrimination

(1 of 2)



- Reemployed employee may not be discharged without cause:
 - For one year after the date of reemployment if the person's service was for 181 days or more.
 - For six months after the date of reemployment if the person's service was for 31 to 180 days.
 - Persons who serve for 30 or fewer days are not protected from discharge without cause but are protected from discrimination



Protection from Discrimination

(2 of 2)



- Employment discrimination because of past, current, or future military obligations is prohibited.
 - Hiring
 - Promotion
 - Reemployment
 - Termination
 - Benefits



Q & A



- **How do I learn more about ESGR or USERRA?**
 - ✓ <http://www.esgr.mil>
 - “about ESGR”
 - “USERRA FAQ”
 - “Tips for G/R”
- **Contact at:**
 - ✓ Email: USERRA@osd.mil
 - ✓ Phone: (800) 336-4590



We ALL Serve

