

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Why is employer support important? Almost half of our military force resides in the Reserve Component which is comprised of the Guard and Reserve. The men and women who serve in the Reserve Component are unique in that they also have civilian employers. Support of America's employers and the employees they share with the Nation ensures the viability of the all-volunteer force, and thus our national security.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE (ESGR), a Department of Defense agency, seeks to 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. ESGR does this by advocating relevant initiatives, recognizing outstanding support, increasing awareness of applicable laws and resolving conflict between employers and service members. *Paramount to ESGR's mission is encouraging employment of Guardsmen and Reservists who bring integrity, global perspective and proven leadership to the civilian workforce.*

WHO WE HELP

ESGR works with all employers and all Guard and Reserve service members.

WHAT WE DO

More than 4,700 volunteers and support staff are located in all 50 U.S. states, Guam-CNMI, Puerto Rico, U.S. Virgin Islands and the District of Columbia to provide the following services:

ADVOCATE

ESGR advocates relevant initiatives on behalf of employers, service members and their families. We promote the importance of employer support through regular communications to military leadership, and serve as a communication link between employers and the DoD.

RECOGNIZE

ESGR recognizes employers who practice human resource personnel policies that support employee participation in the Guard and Reserve with a series of DoD employer awards.

INFORM

ESGR informs and educates service members and their civilian employers regarding their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Statutory authority for USERRA resides with the Department of Labor, and ESGR serves as a neutral, free resource to employers and service members. Information on the many resources is available at www.ESGR.mil.

MEDIATE

Trained ombudsmen provide information and mediation concerning the USERRA law. ESGR has hundreds of trained volunteer ombudsmen throughout the country ready to provide free mediation. Many conflicts arise due to a misunderstanding rather than a purposeful violation of the law, and ESGR can assist in resolving these issues and more.



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ESGR PROVIDES EMPLOYERS:

REGULATIONS

ESGR provides copies of the USERRA Statute, law reviews, the Federal Code of Regulations for USERRA Implementation, and a non-technical guide to understanding the law.

POSTERS

Employers are required to provide a notice of rights to employees who are entitled to the rights and benefits under USERRA. To meet this requirement, you can download free USERRA notices for both federal and non-federal workplaces to display.

TRAINING

Links to free online USERRA training at www.ESGR.mil help employers to better understand the law.

BRIEFINGS

ESGR volunteers can visit your workplace and provide USERRA training.

Join thousands of American employers who visibly affirm their support for their Guard and Reserve employees by signing a Statement of Support. Visit www.ESGR.mil to request your Statement of Support.

ESGR PROVIDES SERVICE MEMBERS:

RESOURCES

ESGR provides samples of military leave of absence forms, sample letters, service policies, and tips to help you avoid employment challenges.

UNDERSTANDING OF THE LAW

Confused? *We can help!* ESGR provides wallet cards and other resources to help you understand your rights and responsibilities under USERRA.

ESGR volunteers attend mobilization/demobilization briefings to answer questions. Call ESGR toll-free at 1-800-336-4590 or contact your local Guard or Reserve unit for more information.

Show appreciation for supportive employers by nominating your supervisor for a PATRIOT AWARD. It's free, and an easy way to say thanks. Visit www.ESGR.mil to nominate your employer.

Our customer service center is operational from 8am to 6pm Eastern Time, Monday through Friday, to provide answers to USERRA questions, or to refer cases to a trained ombudsman.

Call our customer service center toll-free at 1-800-336-4590. Questions may also be asked at www.ESGR.mil by completing a USERRA Assistance Request Form.

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EMPLOYER SUPPORT OF THE GUARD AND RESERVE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is the federal law that establishes rights and responsibilities for members of the Guard and Reserve and their civilian employers. USERRA affects employment, reemployment, employment benefits and retention in employment, when employees serve or have served in the uniformed services.

ESGR and USERRA: ESGR informs and educates service members and their civilian employers regarding their rights and responsibilities governed by USERRA. ESGR does not have statutory authority to enforce, but serves as a neutral, free resource to employers and service members. ESGR's trained ombudsmen provide mediation of employment and reemployment issues relating to compliance with USERRA.

Statutory Authority: Congress provided the statutory authority for investigating alleged violations of USERRA to the U.S. Department of Labor (DOL). If DOL finds that an employer has likely violated USERRA and is unable to secure voluntary compliance, DOL may refer the case to the U.S. Department of Justice for legal action against the employer.

Employers:

The law applies to all public and private employers in the United States to include federal, state and local governments; regardless of size. Providing that the service member meets all criteria, USERRA requires employers to provide the following:

- Allow employees to participate in military service
- Prompt reinstatement into a job following military service
- Accumulation of seniority, including pension plan benefits
- Reinstatement of health insurance
- Training or retraining of job skills, including accommodations for the disabled
- Protection against discrimination

Service Members:

In general, if the employee is absent from a position of civilian employment by reason of service in the uniformed services, he or she is eligible for reemployment under USERRA by meeting the following criteria:

- The employer had advance notice of the employee's service
- The employee returns to work in accordance with USERRA guidelines
- The employee has not been separated from service with a disqualifying discharge, or under other than honorable conditions



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Reemployment Timetable:

To be eligible for protection under USERRA, the service member must report back to work or apply for reemployment within the following guidelines:

1-30 days of service	Report next scheduled work day*
31-180 days of service	Apply for reinstatement within 14 days following completion of service
181+ days of service	Apply for reinstatement within 90 days following completion of service

*After 8 hours rest plus normal travel time from military training site to place of civilian employment.

Ombudsman Services: The ESGR Ombudsman Services Program provides information, counseling, and mediation of work place issues relating to compliance with USERRA. ESGR ombudsmen are neutral parties in resolving disputes between civilian employers and their employees serving in the Guard and Reserve. They work to resolve issues, in compliance with USERRA, to the agreement of both parties.

Hundreds of trained ombudsmen, located in each of the ESGR State Committees in all 50 U.S. states, Guam-CNMI, Puerto Rico, the U.S. Virgin Islands and the District of Columbia, are available to promptly respond to inquiries presented by employees or their civilian employers. Since many problems result from a lack of familiarization with the rights and responsibilities of each as defined by law, most of these requests for assistance are resolved quickly. When an ESGR ombudsman is unable to facilitate a resolution, parties are notified of the option to seek assistance through the Department of Labor/Veterans' Employment and Training Service for formal investigation and the option to seek private legal counsel.

USERRA QUESTIONS?

Our customer service center operates from 8am to 6pm Eastern Time, Monday through Friday, to provide answers to USERRA questions, or refer cases to a trained ombudsman.

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