YELLOW RIBBON REINTEGRATION PROGRAM®

Talking to Your Employer About Deployment

Facilitator Guide

FOR THOSE WHO SERVE AND THOSE WHO SUPPORT

WWW.YELLOWRIBBON.MIL

Talking to Your Employer About Deployment

Facilitator Note:

The following two symbols are used as indicators:
💻 (computer) indicates it is time to advance the slide on the associated PowerPoint;
✋ (hand) indicates there is an exercise associated with the content.

*Essential class content is noted in **bold**.*

All class handouts are available for download on the YRRP website at www.yellowribbon.mil/cms/event-handout. Unless otherwise specified as online only in the Materials section below, all handouts should be printed for distribution to class participants.

As you prepare to teach this class or if you receive questions from participants during the class and you need more information, please call 1-800-336-4590, option 1, or you can email the OSD office at USERRA@OSD.mil.

Class Description:

This class introduces USERRA and the responsibilities of both the employer and the Service member. It includes the creation of a communication plan for the Service member to utilize with his or her employer.

Stage:

Pre-deployment

DoDI:

1342.28 DoD Yellow Ribbon Reintegration Program (YRRP)

The content of this class has been developed for the Department of Defense Yellow Ribbon Reintegration Program. The Clearinghouse for Military Family Readiness at Penn State has reviewed the class and is responsible for content management.

Audience:

YRRP attendees

Time:

45 minutes

Equipment:

- Projector
- Laptop
- Pens

Materials:

- Facilitator Guide
- Core Material Checklist
- PowerPoint Presentation
  1. Talking to Your Employer About Deployment
  2. Objectives
  3. Uniformed Services Employment and Reemployment Rights Act (USERRA)
  4. Service Member Responsibilities
  5. Employer Responsibilities
  6. Build the Relationship
  7. Once You Return
  8. Talking with Your Employer: Practice Exercise
  9. Review of Objectives
  10. Talking to Your Employer About Deployment
- Handouts
  1. Talking with Your Employer About Deployment Checklist
  2. Tips to Share with Your Employer

Exercises:

1. Talking with Your Employer: Pre-deployment
2. Talking with Your Employer: Post-deployment
3. Talking with Your Employer: Practice Exercise

Objectives:

After completing this class, participants will be able to do the following:

1. Discuss employer and Service member responsibilities under USERRA.
2. Create a plan to talk to their employer about deployment.

Introduction

SHOW Slide 1: Talking to Your Employer About Deployment

Facilitator Note:

Introduce yourself as the facilitator. State your name, military experience or affiliation, and perhaps one additional brief bit of relevant personal information that establishes your credibility (i.e., your professional training or experience).

Please limit your personal introduction to no more than 2 minutes to maximize the time attendees are able to engage with course content, practice skills, and participate in self-reflection activities.

Welcome! This class will assist you as you talk to your employer about deployment. **Uniformed Services Employment and Reemployment Rights Act, known as USERRA, protects your civilian job rights.** We will discuss the responsibilities both you and your employer have to ensure a smooth transition as you perform your uniformed service.

SHOW Slide 2: Objectives

Let's look at our objectives. After completing this class, you will be able to do the following:

1. **Discuss employer and Service member responsibilities under USERRA.**
2. **Create a plan to talk to your employer about deployment.**

Uniformed Services Employment and Reemployment Rights Act (USERRA)

SHOW Slide 3: Uniformed Services Employment and Reemployment Rights Act (USERRA)

First, I want to briefly discuss what USERRA is.

PAUSE for a show of hands after the next two questions.

How many of you have heard of USERRA?

How many have discussed it with an employer in the past?

For those of you who have experience discussing your rights under USERRA with an employer, how did it go?

PAUSE for responses.

USERRA is a federal law intended to do three things (ESGR, n.d. [b]):

- First, **ensure that persons who serve or have served in the Uniformed Services are not disadvantaged in their civilian careers because of their service**;
- Second, **ensure they are promptly reemployed in their civilian jobs upon their return from duty**; and
- Third, **ensure they are not discriminated against in employment based on past, present, or future military service**.

The Employer Support of the Guard and Reserve or ESGR can assist you in understanding your rights under USERRA. The websites for ESGR and USERRA are here on the slide *(ESGR website: www.esgr.mil; USERRA website: www.dol.gov/vets/programs/userra)* as well as the 1-800 number for ESGR *(1-800-336-4590)*.

Service Member and Employer Responsibilities

SHOW Slide 4: Service Member Responsibilities

You must do five things in order to be protected under USERRA. You will need to complete the first step before you deploy - provide notice of your upcoming absence to your employer. The other four items occur during deployment. You must do the following (ESGR, n.d. [a]):

- **Leave your place of employment to perform military service**
- **Serve under honorable conditions**
- **Unless exempted, cumulative period(s) of service may not exceed 5 years**
- **Report back to work in a timely manner**

Are there any questions about your responsibilities?

PAUSE for responses.

There are also items you can discuss with your employer and actions you can take prior to deployment to make the transition smooth.

Before you leave for your deployment, it is important to communicate with your employer. **"Maintaining an open dialogue with your employer will help ensure that you both have reasonable expectations for what will happen before, during, and**

after your absence for military service. Most problems result from miscommunication between employers and employees, so work with your employer to ensure that you understand your mutual rights and responsibilities" (ESGR, n.d. [a]).

Now, let's look at the employer's responsibilities.

SHOW Slide 5: Employer Responsibilities

EXERCISE 1: Talking with Your Employer: Pre-deployment

Facilitator Note:

Handout 1 will be used. The purpose of this exercise is for participants to review a checklist with helpful hints and reminders of items for them to talk over with their employer. Participants will complete the pre-deployment section. This should take approximately 3 minutes.

As long as you complete your obligations, your rights are protected under USERRA. **Your employer has the responsibility to restore you to the job and benefits or, in some cases, a comparable job you would have attained if you had not been absent due to military service.**

Your employer may not deny you initial employment, reemployment, retention in employment, promotion, or any benefit of employment because of your status. An employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

Even if you do not elect to continue health care coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. You are also protected from termination at your civilian employment, except for cause, for a specified time depending on the length of your service.

Please turn to **Handout 1: Talking with Your Employer About Deployment Checklist**. A pre-deployment checklist is on the top of this handout. As you go through the checklist, if you still have questions about USERRA, go ahead and write them down. This way you will remember your concerns if you have a chance to stop by the ESGR table in the service provider's area during a break.

Read over the first half of this checklist, and put a checkmark beside any of the items you have already accomplished and a star next to the ones you still need to do.

PAUSE 3 minutes for participants to complete, and then, PAUSE for responses after each question.

Do you have some items you have already completed? If so, which ones?

Did you find some items you want to discuss with your employers? If so, which ones?

There may be times when your commitments as a Reservist and as an employee clash. Building a relationship and communicating with your employer will be very helpful in maintaining a good working relationship. Let's look at some tips for building that relationship (West et al., 2003).

SHOW Slide 6: Build the Relationship

Facilitator Note:

Handout 2 will be used. The purpose of this exercise is for participants to review tips for talking with their employer and identify tips they want to try. This should take approximately 3 minutes.

Strive for an inclusive relationship with your employer. **Provide your employer with as much notice as possible about your time away from work.** If possible, provide a 6- to 12-month calendar of your intended Reserve service at the start of each year, even when specific dates are not yet known. Once you know the exact dates, tell your employer as soon as possible.

On the pre-deployment checklist, how much notice does the Department of Defense Instruction (DoDI) recommend you give prior to your absence?

PAUSE for responses. (Answer: at least 30 days)

Providing notice in advance allows your employer to plan for your absence and make necessary preparations. Your employer will be far more supportive when he or she can see you are doing your best to inform him or her. Give your employer and human resource department written notification of the dates you will be absent. As a courtesy, remind your employer closer to the date that you will be away for uniformed service. Be sure to inform your employer at the earliest opportunity if there are any changes to the original start and finish dates of your service and provide written notification on request.

Keep your employer up to date with your military achievements. Many employers are interested in your uniformed service career. Keep them in the loop. Let them know about your training achievements. **Also let them know how the training applies to your job. Whether it is job specific or military development training, it can often be applied to your civilian role.** You do not have to give away sensitive information to engage your employer. If you are not sure what you can tell your employer, ask your chain of command.

Involving your employer with your uniformed service will allow him or her to gain a much better understanding of what the Reserve Component is all about. Your employer can see how your skills and knowledge help you in your civilian career and how you can be an asset to the organization. It will also be a great opportunity for your employer to support you in what you are striving to achieve as a Reservist. **Many employers want to support their Reservists but do not necessarily know how.**

Please turn to **Handout 2: Tips to Share with Your Employer.** This handout has some helpful tips and suggestions on how employers can support their uniformed services employees before, during, and after a deployment. Please read through this list. You may notice that some of the tips might not be as important to you as others. Mark the items that you feel would be important for your employer to do in supporting you before, during, or after deployment.

PAUSE for 3 minutes for the participants to review the handout, and then, PAUSE for responses after each question.

What tips for support are important to you on Handout 2? Why?

Are you comfortable with all of the suggestions on Handout 2? Why or why not?

How will you use this handout to plan your discussion with your employer about deployment?

Just as different people are comfortable with different levels of support from their employer, different employers are comfortable providing different levels of support to their employees during uniformed service. People and families need help and support to effectively navigate the cycle of deployment. Not only is it ok to ask for support, it is necessary (McNutt, J. M., 2005; U.S. Senate, 2006)!

Of course, support goes two ways. What could you or your unit do to show your employer how much you appreciate his or her support?

PAUSE for responses. (Possible answers: unit sponsor a 'bring your boss to work day' or 'Boss Lift' to show employers what the employees do in the Uniformed Services; nominate the employer for a "Patriot Award" or other applicable awards through the

ESGR website; put the employer in contact with ESGR for answers to questions and support; if it is a small business, make sure they know about the Military Reservists Economic Injury Disaster Loan (MREIDL) program).

Now, let's look at what you will have to do once you get back from deployment.

SHOW Slide 7: Once You Return

EXERCISE 2: Talking with Your Employer: Post-deployment

Facilitator Note:

Handout 1 will be used. The purpose of this exercise is for participants to review a checklist with helpful hints and reminders of items for them to talk over with their employer. Participants will complete the post-deployment section. This should take approximately 3 minutes.

In order to be eligible for reinstatement following your service, you must do two things. First, **report to work following your service in a timely fashion. A timely fashion is based on your length of service** (ESGR, n.d. [a]).

- **1-30 days of service report to work the next scheduled workday.**
- **31-180 days of service report within 14 days.**
- **181+ days of service report within 90 days.**

Second, **"it is recommended you present the appropriate supervisor and Human Resources (HR) representative with a copy of your discharge/separation orders. If you were gone for more than 30 days and your employer requests proof of your service, you are required to provide it once it is available"** (ESGR, n.d. [a]). As with pre-deployment, there are some additional actions you can take to make your transition to civilian employment smoother.

Please look at the second half of the checklist on **Handout 1: Talking with Your Employer About Deployment Checklist**. Review the items and put a star by any you want to address when you get back.

PAUSE 3 minutes for participants to complete, and then, PAUSE for responses after each question.

Which tips on preparing to leave or return to civilian employment were new to you?

How will these checklists help you talk to your employer about your deployment?

Now that we have clarified some of the Service member's responsibilities for protection under the law and reviewed some tips on building the relationship and communication with your employer about deployment and support, let's put that information into action by creating a plan to talk to your employer.

Plan to Talk to Your Employer

SHOW Slide 8: Talking with Your Employer: Practice Exercise

EXERCISE 3: Talking with Your Employer: Practice Exercise

Facilitator Note:

Handouts 1 and 2 will be used. The purpose of this exercise is for participants to wrap up everything discussed in this class. This should take approximately 15 minutes.

Take about 5 minutes to outline the topics you would like to discuss with your employer. This can be done on the back of one of your handouts. Use **Handout 1: Talking with Your Employer About Deployment Checklist** and **Handout 2: Tips to Share with Your Employer** to refresh your memory about the topics of discussion you have already identified. Think about what you want to discuss with your employer about your deployment; his or her support before, during, or after the deployment; your reemployment; and any questions you have for him or her.

PAUSE for participants to complete. STOP after 5 minutes.

Now that you have your plan for discussion, you are going to find a partner and role play talking with your employer. Choose someone seated near you to be your partner. One of you will start by playing the role of the employer, while the other is the employee. Then switch roles. You will have about 5 minutes in each role.

What questions do you have before you begin?

PAUSE for responses.

Please begin.

HAVE participants switch roles after 5 minutes.

Now it is time to switch roles; please start.

STOP exercise after another 5 minutes, then PAUSE for responses after each question.

Was it difficult or easy to role play the discussion with your employer? Why?

What was easy about it?

Did you get some tips or feedback from your partner on your discussion? If so, what were they?

Are you more confident now when you think about speaking to your employer about deployment than you were before this class?

Summary

SHOW Slide 9: Review of Objectives

We covered a lot of material today as we discussed employer requirements and Service member responsibilities under the protection of USERRA.

Let's see if we met our objectives:

1. **What are your responsibilities?** *PAUSE for responses.*
   (Possible answers: provide prior notice to your employer; leave your place of employment to perform military service; serve under honorable conditions; not be absent due to military service for more than five cumulative years; report back to work in a timely manner)

2. **What are some employer responsibilities?** *PAUSE for responses.*
   (Possible answers: restore you to the job and benefits you would have attained if you had not been absent due to military service or a comparable job; avoid discrimination or retaliation on the basis of past, present, or future service; be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions; protected from termination, except for cause, for a specified time depending on the length of your time away)

3. Do you feel that having a plan to discuss deployment with your employer is beneficial for you? How? *PAUSE for responses.*
   (Possible answers: excitement; anxiousness; worry; expect adjustment to take some time; anticipate changes that may have been made in your absence)

If you need additional information about your rights under USERRA, talking to your employer about deployment, or filing a grievance, you can contact ESGR at their table in the service provider's area or visit the respective websites at ESGR or USERRA.

There are additional resources on the bottom of Handout 2 for your reference.

SHOW Slide 10: Talking to Your Employer About Deployment

Thank you, and please complete your evaluation for this class.

References

ESGR. (n.d. [a]). *Deployment tips and checklist*. ESGR. www.esgr.mil/Service-Members-Family/Deployment-Tips-and-Checklist.aspx

ESGR. (n.d. [b]). *What is USERRA*. ESGR. www.esgr.mil/USERRA/What-is-USERRA.aspx

McNutt, J. M. (2005). *Work adjustment of returning Army Reservists: The effect of deployment and organizational support* (Unpublished doctoral dissertation). Alliant International University.

U.S. Senate. Subcommittee on Employment and Workplace Safety of the Committee on Health, Education, Labor, and Pensions. (2006). *Examining enhancing cooperation between employers and Guardsmen/Reservists, focusing on civilian and veteran organizations to work together to reach out to soldiers returning from the battlefield, 19 October 2005*. Government Printing Office, 2005. (S. Hrg. 109-264)

West, M., Tjosvold, D., & Smith, K. (2003). *International handbook of organizational teamwork and cooperative working*. Wiley.