Employer Support of the Guard and Reserve
Enabling Objectives

• Explain the purpose of the Uniformed Services Employment and Reemployment Rights Act (USERRA).
• Explain the basic eligibility requirements for job protection under USERRA.
• Describe the USERRA requirements of Reservists.
• Describe the requirements of USERRA for Employers
Enabling Objectives (con’t)

- Explain the Employer Support of the Guard and Reserve (ESGR)
- Explain the Awards program administered by ESGR.
USERRA

- Law administered by the Department of Labor

- Protects employees from unlawful discrimination by an employer due to military affiliation
Eligibility Requirements

- Must have a civilian job
- Provide timely notification to employer
- Must report back to work in a timely manner

- 5-year limit of cumulative military service, not including:
  - Drills
  - Annual Training
  - Involuntary recall
  - Voluntary duty in support of war
Reservists Requirements

- Notify employer of upcoming duty either in writing or verbally prior to going on duty
- Encouraged to notify of anticipated activity (for example involuntary recall)
Reservists
Requirements (con’t)

• Be sensitive to employer scheduling requirements

• When possible, submit requests outside of peak business seasons & not during most popular vacation cycles.
Reporting Back To Job

- Must do so in a timely manner:
  - 30 days or less: Safe travel plus 8 hours
  - 31 to 180 days: apply for reinstatement within two weeks
  - Over 180 days: apply for reinstatement within 90 days

- Can be subject to personnel policies for unexcused absences.
Requirements of Employers

- Grant leave of absence
- Cannot refuse employee to attend drill or annual training
- May require written proof for 30 days or more military leave
Requirements of Employers (con’t)

- **Cannot** require employee to find someone to cover their work while on military leave of absence.
- **Not required** to pay employee who is on military leave of absence.
- **Cannot** force employee to use earned vacation while performing military service.
Requirements of Employers (con’t)

• Must reinstate employee, based on length of military service:
  – 1 to 90 days: same job, as long as qualified or can become qualified
  – 91 or more days: Same job or position of like seniority, status and pay, as long as qualified, in a position which approximates the position they held when leaving for military duty.
Employer Support of The Guard & Reserve

- Established in 1972 under Secretary of Defense
- Represents all National Guard and Reservists
- Educates employers and employees
ESGR (con’t)

- Prevent, resolve and reduce employer and employee problems and misunderstandings that result from National Guard or Reserve membership.
ESGR Awards Program

• “My Boss Is A Patriot” Certificate of Appreciation
  – Certificate and Patriot lapel pin
  – All National Guard & Reserve members eligible to nominate employer
  – Award given to all employers nominated
ESGR Awards Program (con’t)

- **ESGR Committee Chair Award**
  - Limited number given by local ESGR
  - Recognize employers who have gone above & beyond the legal requirements for granting leave for military duty.
ESGR Awards Program (con’t)

• PRO PATRIA Award
  – Only one award per committee annually
  – Employers who demonstrate exception support of our national defense by adopting personnel policies that make it easier for employees to participate in the National Guard and Reserve.
• **Employer Support Freedom Awards**
  - ESGR’s most prestigious award
  - Presented to employer by the Secretary of Defense
  - Only the nation’s most supportive employers receive the award
ESGR Awards Program (con’t)

• Nomination forms and more information can be found on:

WWW.ESGR.ORG