



**STRATEGY
RESEARCH
PROJECT**

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**THE IMPACT OF DEPLOYMENTS OF THE ARMY
NATIONAL GUARD AND UNITED STATES ARMY RESERVE ON
EMPLOYER RELATIONSHIPS**

BY

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by

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ABSTRACT

AUTHOR: Lieutenant Colonel Clarence Hilton
TITLE: The Impact of Deployments of the Army National Guard and United States Army Reserve on Employer Relationships
FORMAT: Strategy Research Project
DATE: 10 April 2001 PAGES: 30 CLASSIFICATION: Unclassified

The increased reliance on the United States Army Reserve and the Army National Guard calls for unprecedented sacrifice by civilian employers. These employers' sacrifices will take place without a backdrop of a World War II looming on the horizon or a raging Cold War. Never in the history of United States has the Guard and Reserve played such a vital role in our National Military Strategy. This paper focuses mainly on the United States Army Reserve and the Army National Guard. It addresses the significant role of the Employer Support of the Guard Reserve in assisting military personnel and employers. It discusses methods to improve relationships between military personnel and their civilian employers; it also addresses key provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and employees' concerns with USERRA; and it outlines some of the civilian employers' experiences with Guard and Reserve employees. Finally, it provides recommendations for improving relationships between employees and employers.

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THE IMPACT OF DEPLOYMENTS OF THE ARMY NATIONAL GUARD AND UNITED STATES ARMY RESERVE ON EMPLOYER RELATIONSHIPS

"Today, reserve forces are included in all war plans, and no major military operation can be successful without them. We could not maintain our military without the Guard and Reserve. It would be cut in half. We couldn't do it in Bosnia, we couldn't do it in the Gulf, we couldn't do it anywhere."

—William S. Cohen, Secretary of Defense

"Today's Guard and Reserve number 1.4 million men and women. They are half the Total Force, critical contributors to every mission, and essential to our national security."

—Charles L. Cragin, Principal Deputy Assistant Secretary of Defense

Employers' willingness to make unprecedented sacrifice in supporting the U.S. Army Reserve (USAR) and the Army National Guard (ARNG) personnel will be critical in implementing our National Military Strategy for the 21st Century. Reservists and National Guard personnel have two bosses: civilian and military. The civilian boss is very concerned about the impact of lost work-time due to employees' participation in the Reserve and Guard. The military boss is very concerned about military readiness. However, Reserve and Guard members face an even more daunting task: balancing the needs between family, civilian careers, and their military responsibilities. Without the employer's support and sacrifice, this balancing act of family, civilian careers and military responsibilities may not be possible.

WHY THE USAR AND ARNG ARE CRITICAL IN THE 21ST CENTURY

As we enter the 21st Century, the world has witnessed unprecedented changes in the global political and military climate. The fall of the Soviet Union and the end of the Cold War created one superpower: the United States. With this role, the United States faces both new risks and new opportunities. First, the world looks to the United States for leadership because it has the ability to project its instruments of national power globally. Secondly, the United States, with this superpower role, has the ability to shape the global environment and to promote democracy. The United States' world superpower status has affected America's armed forces more than any of its instruments of power.

America's armed forces have had to shift their focus, as well, to adapt to the dynamic world situation. The military strategy of defending the Cold War's static frontiers has now been replaced with a military posture of global engagement.

This strategy involves not only shaping the global engagement, but also responding to contingencies wherever the nation's interests are at stake.¹

As the nation's military strategy has evolved, so too has the role of the USAR and ARNG. The concept of training USAR and ARNG only for a major war is clearly not the case anymore. These forces are increasingly being used to provide specialized services and to augment the daily operations of Active Duty forces. In addition, the Reserve Components are being called upon frequently and for longer periods to participate in contingency operations around the world. Reserve personnel are serving everywhere there is a need for an American military presence; Reserve forces are serving from Eastern Europe and Southwest Asia to South America. In other words, there are few, if any, military operations today that could succeed without support and participation of the USAR and ARNG.

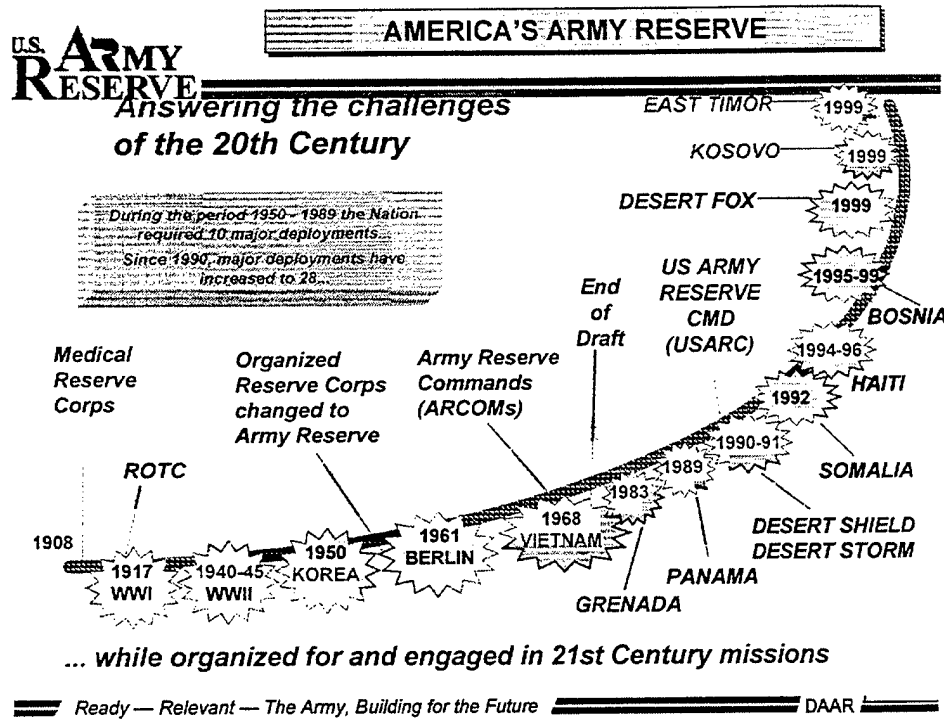


FIGURE 1

HISTORY AND TRADITIONS

The Reserve Components of the United States can trace their history to pre-revolutionary times when settlers formed local militias. Before the Revolutionary War, certain members were designated "minutemen," ready for duty at a "minute's notice." Other militia units were organized to be available in several hours. During the Revolution, militiamen fought in every

battle, providing support to the Continental Army. Motivated mainly by patriotism and love of country, these early National Guardsmen began the tradition of military service that reflects a basic attitude of all free people.

The more things change the more they stay the same. The parallels of America's first citizen soldiers and today's citizen soldiers are strikingly similar. Patriotism is still the common thread that makes an individual want to serve his or her country in a reserve capacity. The necessity for individuals to serve in the Guard and Reserve today is as important as it was during the early American colonies. "This was ideal for the [early] American colonists, who needed to develop a frontier defense with limited economic and manpower resource."²

TODAY'S ARNG CONTRIBUTIONS TO THE ARMY

Today's ARNG performs a vital national defense role. Guard units are integrated into crucial combat, combat support, and combat service support elements of our nation's military forces. These elements provide a trained, capable, and cost effective military force, able to provide rapid augmentation, reinforcement, and expansion in time of call-up or mobilization.

In addition, the ARNG plays a significant role in the Nation's defense against Weapons of Mass Destruction (WMD). Weapons of Mass Destruction support teams, located throughout the Nation, are part of the Department of Defense's overall effort to support local, state, and federal civil authorities in the event of an incident involving the use of biological, chemical, or radiological weapons.

Along with this WMD mission, the ARNG also has the mission of counter-drug operations. The National Guard counter-drug support generally helps law enforcement stop illegal drugs from being imported, manufactured and distributed. Also supported are community-based drug demand reduction programs. The National Guard missions are program management, technical support, general support, training, reconnaissance/observation and demand reduction support. The National Guard also supports the Active component counter-drug program overseas. When doing so, National Guardsmen and women are in a Federal military duty status.

ARNG Contributions to the Total Army

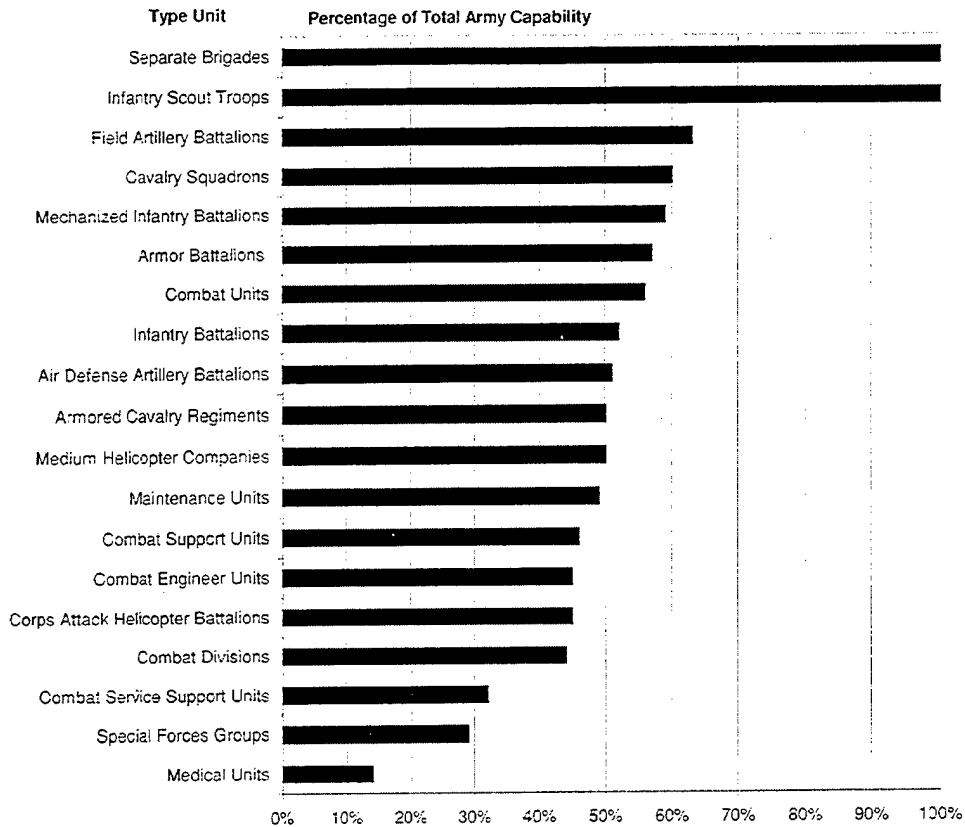


FIGURE 2

TODAY'S USAR CONTRIBUTIONS TO THE ARMY

Today's Army Reserve is the Department of Defense's force of choice for many vital, high-visibility missions. These missions include providing support for North Atlantic Treaty Organization (NATO) operations in Bosnia and Kosovo, processing Kosovar refugees that were admitted to the United States, providing continuous military intelligence support to the Commanders in Chief (CINCs) and their subordinate commanders. In addition, the USAR provides a majority of the echelons above division and echelons above corps combat support and combat service support warfighting units for America's Army.

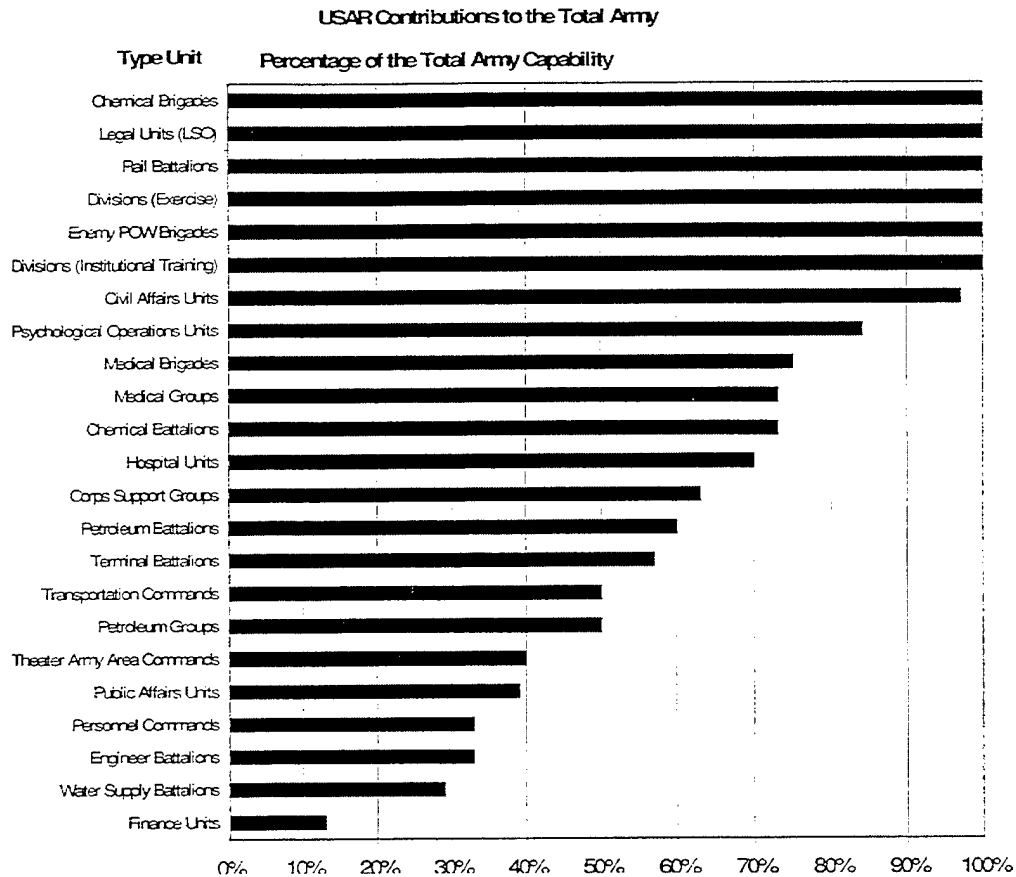


FIGURE 3

ACCESS TO THE USAR AND ARNG

Access to the USAR and ARNG begins with the mobilization process. This process is preparing for war or other emergencies by assembling and organizing the USAR or ARNG to support the active military forces. Involuntary activation of the USAR and ARNG includes the following categories of force activation:

Selected Mobilization is the mobilization initiated by the Congress or the President. It includes the USAR, ARNG, Individual Reservists, and the resources needed for their support to meet the requirements of a domestic emergency (e.g., riot, postal strike, flood, earthquake, etc.) that does not involve a threat to the national security.

Presidential Reserve Call-up (PRC) is used to augment the Active force of all services with up to 200,000 personnel for up to 270 days, for an operational mission.

Partial Mobilization involves the mobilization by the President or Congress of not more than 1,000,000 Ready Reservists for not longer than 24 months, along with the resources

needed for their support, to meet the requirement of war or other national emergency involving an external threat to national security.

Full Mobilization is the mobilization by the Congress of all Reserve Component units and individuals in the existing force structure for the duration of a declared emergency, plus six months to meet the requirements of a war or other national emergency involving an external threat.

Total Mobilization is the expansion of the Armed Forces by the Congress and the President to organize or generate additional units or personnel beyond the existing force structure, and the resources needed for their support, to meet the total requirements of a war or other national emergency.

Until the early 1990s access to the Reserve components was governed strictly by laws and policies set in place during the Cold War. Accessibility has become increasingly important in recent years because the Services have placed greater reliance on their Reserve components for both wartime and peacetime needs. Cold War-era laws and policies related to accessibility have been adjusted to ensure that they are sufficiently flexible to meet the national security needs of the post-Cold War world.³

Employers are going to have little warning when the call comes for their employees who are members of the USAR or ARNG to deploy in support of the nation's military strategy. Unlike Partial Mobilization or Full Mobilization, the PRC will significantly shorten employers' notification time. The President can order Selected Reserve TPU and IMA members to full-time active duty, without their consent for a military operation, in accordance with Title 10 Section 12304. The Selected Reserve is comprised of units and individual members who have been designated as essential to operational, war fighting missions, and who have priority for training, equipment and personnel. Each PRC is a separate and distinct action. There is the potential that more than one PRC can be authorized at the same time. Therefore, it is conceivable that the 200,000 personnel number can increase significantly when concurrent PRC numbers are totaled.

Selected Reserve members may not be activated under Presidential Reserve Call-up for domestic disasters whether natural or man-made, accidents or catastrophes, nor may they be called-up to repel invasion, suppress rebellion, or execute the laws of the United States. However, since 1998, an exception may be made permitting call-up under PRC of National Guard and Reserve personnel for a domestic emergency involving response to WMD.

Since 1990, five PRC have been implemented. President Bush used PRC authority in August 1990 in response to the Iraqi invasion of Kuwait. President Clinton used [a] PRC in September 1994 for Operation UPHOLD DEMOCRACY in Haiti; again in December 1995 for Operation JOINT ENDEAVOR in Bosnia;

1998 to augment SOUTHERN WATCH over Iraq; and, in April 1999 for Operation JOINT GUARDIAN in Kosovo.⁴

The Individual Ready Reserve (IRR) is not part of the Selected Reserve, and individuals in the IRR were not called-up during a PRC prior to 1998. However, a change in Title 10, U.S. Code Section 12304 in 1998 included authority to call up to 30,000 individual reservists under an IRR Activation Authority as part of the 200,000. The PRC allows for the activation of up to 30,000 IRR soldiers at one time for a period not to exceed 270 days. It is also important to note that this 30,000 is included in a PRC 200,000 cap. Members of the Individual Ready Reserve are only called-up during a PRC because there may not be enough skilled personnel in the Selected Reserve.

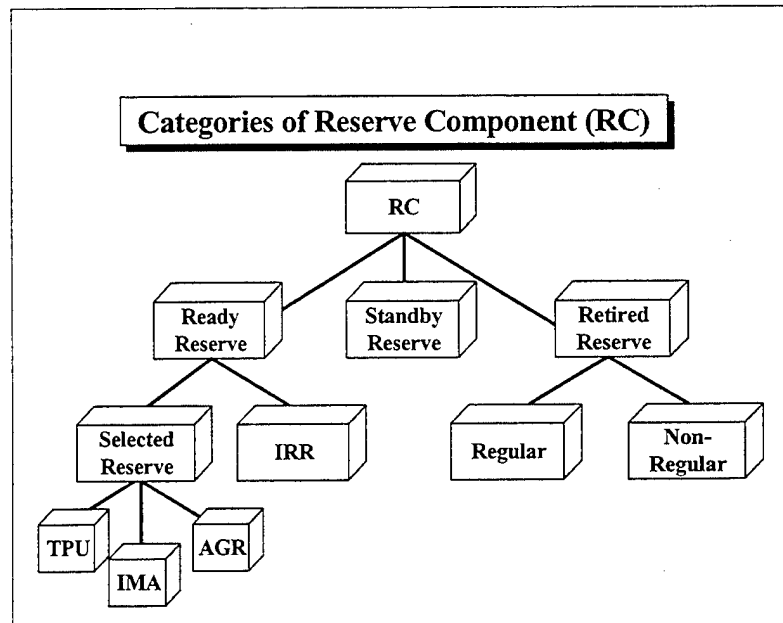


FIGURE 4

Figure 4 shows the categories of Reserve Components.

In addition to activation under PRC, volunteers from the Reserve Components have responded to the military's non-crisis and peacetime needs. Section 12301(d) of Title 10 permits the Service Secretaries to order reservists to active duty with their consent. The missions of these volunteers put them in harm's way as much as the reservists who are involuntarily activated. This volunteerism is as much a part of the National Military Strategy as the PRC when it comes to accessing the USAR and ARNG personnel.

Volunteering might be more palatable to employers because reservists can address employer and family issues prior to their deployment. The number of reservists needed for volunteerism in the 21st Century will no doubt get larger because reservists are still needed in

implementing the National Military Strategy with or without a PRC. There are as many as 7,500 volunteers from the Reserve forces on active duty on any given day.

UNPRECEDENTED SACRIFICES BY CIVILIAN AND GOVERNMENT EMPLOYERS MAY BE NEEDED

Having employees in the USAR and ARNG is no longer transparent. Employers using the traditional two-weekends-a-month and two weeks a year as planning guidance for employees in the Reserve Components of the military are perhaps a bit naïve or don't fully understand the National Military Strategy for the 21st Century. Employers can no longer believe that significant portions of USAR and ARNG personnel will be called only during a Partial or Full Mobilization. Such mobilizations would allow employers to receive significant notification as well as allowing political leaders to articulate the threat facing the United States. Unfortunately, a Partial or Full Mobilization does not allow for quick access to USAR and ARNG personnel to meet today's military strategy. Therefore, the frequent use of the PRC and volunteers will be necessary to implement the National Military Strategy in the 21st Century.

Given the competition in today's business environment, any absence of employees to meet military obligation is of great concern for employers. Employers are questioning why they should make the sacrifice for the cost associated with lost work time for military operations that are not viewed as being a direct threat to United States. For example, this is a valid concern and one that poses a significant challenge to policy makers and those charged with employing members of the reserve forces.⁵

Therefore, length and frequency of PRC (possibly a 270 day absence for employees) presents difficult options for employers. They can hire temporary employees, double the workload for current employees, or leave the position vacant until the employee returns. All these options, perhaps, have inherent problems. The employees who are absent may possess a special skill that other employees don't have. There may be significant costs in retraining other employees to perform the duties of the employees that are away. These employees who are away may lose critical civilian skills and may require retraining upon return, costing additional funds. The additional stress and workloads placed on current employees may simply be too much for them to handle. However, some of the smaller businesses or employers may not have an option because the absence of one or two employees may cause their businesses to go bankrupt or even fail.

There is no clear alternative to an employer's sacrifice in supporting the USAR and ARNG in the 21st Century. But there must be clear and good-faith dialogue among employers, Department of Defense (DoD) officials, and military personnel at all times.

EVOLUTION OF ESGR AND USERRA

The ESGR was established 1972. Its purpose is to promote cooperation and understanding between Reserve component members and their civilian employers and to assist in the resolution of conflicts arising from an employee's military commitment. When conscription ended in the United States, defense planners foresaw a potential problem with the nation's Reserve service members and their civilian employers, long accustomed to National Guard and Reserve membership as an alternative to compulsory active-duty service. It was believed that employers might question the necessity of service in a purely voluntary military system. Therefore, the Department of Defense chartered the National Committee for ESGR to inform employers of the ever-increasing importance of the National Guard and Reserve and to explain the necessity for and role of these forces in national defense.

Initially, the National Committee for ESGR consisted of a small, select, volunteer panel of distinguished Americans representing business, government, labor, and military. These individuals directed most of their efforts at their peers. However, it quickly became apparent that this focus was misguided. Studies showed, throughout the years, that nearly a third of the men and women were leaving the National Guard and Reserve because of civilian-work conflicts. As a result, the National Committee for ESGR leadership established a nationwide network of local employer support volunteers. The ESGR Committees were organized within each state, the District of Columbia, Guam, Puerto Rico and the Virgin Islands.

EMPLOYER SUPPORT: "WIN WIN" SITUATION

With the heavy reliance on the Guard and Reserve by active forces, we must do all we can to ensure their full-time employers are aware of the importance of the role these soldiers play in national defense. When mobilized, Guard and Reserve soldiers will perform their active duty missions much better with the knowledge that their employer supports their mobilization.⁶

The Employer Support for the Guard and Reserve (ESGR) can and must be a "Win Win" situation for employers, USAR and ARNG personnel. Anything short of a "Win Win" situation will significantly affect the National Military Strategy. Each employer has a role in maintaining a strong national defense. As an employer of a USAR and ARNG soldier, the employer is an equal team player, one whose ideas and recommendations must be implemented when in accordance with policy and regulations. To achieve this "Win Win" situation will require significant cooperation on the part of Congress, the Department of Defense, Department of Labor, U.S. Chamber of Commerce, the military, and employers.

We can never forget the fact that the National Guard and Reserve are an integral part of our defense forces. More than half of the men and women serving in our

armed forces are members of the National Guard and Reserve. Their performance must meet the same standards as their active duty counterparts. However, since they do not serve full-time, the cost to the government is far less. The employer is vital to enabling employees who are members of the National Guard and Reserve to serve their country.⁷

FUNCTIONS OF ESGR COMMITTEES

The functions performed by the national and local ESGR Committees are as follow:

- Operate a proactive program directed at U.S. employers, employees, and communities to ensure understanding and appreciation of the role of the National Guard and Reserve in the context of the DoD Total Force Policy.
- Encourage and assist employee participation in National Guard and Reserve training programs and on military duty without civilian job impediments of any kind, to include encouraging voluntary component members.
- Recruit and develop volunteer leaders at the national and local levels to promote the development of employer personnel policies and practices that accommodate and facilitate employee participation in National Guard and Reserve activities.
- Encourage interaction between National Guard and Reserve units and their communities to promote public understanding of the National Guard and Reserve and encourage partnerships between civilian organizations and military units in the community.
- Assist in preventing, resolving, or deducing employer and/or employee problems and misunderstandings that result from National Guard or Reserve memberships, training, or duty requirements through information services and informal mediation.
- Assist in educating National Guard and Reserve members regarding their obligations and responsibilities to employers.
- Use the military chain of command to promote better understanding of the importance of maintaining positive relations between employers and their reserve component employees, in order to sustain National Guard and Reserve participation.
- Solicit the assistance of military agencies, military training schools, and military and civilian associations in educating the Reserve forces about heir rights and responsibilities regarding terms and conditions of civilian employment, and stipulated in the Uniformed Services Employment and Reemployment Right Act (USERRA).

- Promote civilian and military personnel management practices that encourage membership in the National Guard or the Reserve.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

Uniformed Services Employment and Reemployment Right Act was enacted on 13 October 1994 (Title 38 U.S. Code, Chapter 43, Sections 4301, Public Law 103-353); it was updated significantly in 1996 and 1998. In that this act now provides job protection, strengthens and expands employment and reemployment rights of the National Guard and Reserve. However, federal and state laws that govern the release of employees from work in order to perform military service are complex. These laws are even more daunting to a layman employer or to a layman employee who is not experienced in these laws. As a result the implementation or enforcement of these laws is seldom seen as "Win Win" situations.

It is, therefore, in the best interest of both employers and employees to resolve conflicts at the employer-employee level. Often, a calm, objective discussion can reveal solutions if conducted in an atmosphere of mutual cooperation. If that fails, unit commanders can be consulted. Commanders have a vested interest in resolving the problem and may be able to clarify the situation or suggest compromises that will better satisfy everyone's need.

If commanders are not fully successful in resolving all conflicts, it is imperative that an Ombudsman service be used. The Ombudsman Service maintains teams of experts in the field of re-employment rights for members of the National Guard and Reserve. Questions concerning the law, problems with individual supervisors or employers, and inquiries about specific personnel practices can all be addressed. The service is available to employers as well as to members of the National Guard and Reserve.

At the local level, trained volunteers assist community employers and employees in understanding and applying the law. It is important to note that most local ESGR Committee Ombudsmen are business leaders. They understand both sides of the problem and can help mediate. These Ombudsmen serve as confidential, neutral liaisons for employers and employees who seek assistance or clarification regarding their rights and responsibilities. More than 90 percent of the calls they receive are resolved to the satisfaction of everyone involved.

Anytime there is an opportunity for the military to adjust its training or deployment date, without compromising training or mission accomplishment, to accommodate employers, we must do it. For example, a small-town police chief in Texas had just three patrolmen on his force. Two of them were members of the same Texas National Guard unit and were scheduled to attend a two-week annual training at the same time. The police chief was up in arms until an

Employer Support of the Guard and Reserve Ombudsman arranged with the unit commander to have one of the patrolmen serve an alternate annual training period.

This action tells the employer that we are concerned about his or her business and its well being. However, Employer Support for the Guard and Reserve Ombudsmen addresses only employer-employee conflict involving military service. Cases that require legal advice or assistance are referred to the United States Department of Labor.

USERRA: VITAL QUESTIONS AND ANSWERS

The USERRA is not easily understood because of its complexity. It is a daunting task for employers and Reserve Component personnel to understand all the legal aspects of USERRA. However, it is paramount that all employers having employees serving in the Guard and Reserve understand the laws governing employment of the Guard and the Reserve. Employees who serve in the Guard and Reserve must also have a good "working knowledge" of their employment rights. Given the number of PRC and employees volunteering for critical military duty places the highest priority on everyone understand USERRA. The quickest method in facilitating this action is to become thoroughly familiar with following questions and answers:

1. Based on Guard personnel or Reservists' military affiliation, are they protected from unlawful discrimination by employers? Yes. USERRA provides protections for initial hiring and adverse employment actions by an employer if the action is motivated even in part by the employee's military service. This protection also extends to witnesses who assist or testify in a USERRA investigation.

2. Can an employer refuse to allow an employee to attend scheduled drills or annual training? No. Employees must be excused from work to attend inactive duty training (drill) or annual training and the employer must reemploy the employee as if he or she has not been absent.

3. Is there a limit to the amount of military leave an employer must permit? Yes. Although there is no longer any differentiation between voluntary and involuntary military duty, there is a 5-year cumulative service limit on the amount of voluntary military leave an employee can use and still retain reemployment rights.

4. What is not included in the 5-year cumulative total? The 5-year total does not include: inactive duty training (drills); annual training; involuntary recall to or retention on active duty; voluntary or involuntary active duty in support of a war, national emergency, or certain operational missions; or additional training requirements determined and certified in writing by

the Service Secretary, and considered to be necessary for professional development or for completion of skill training or retraining.

5. Is prior notice to the employer required for leave of absence for military duty? Yes. Unless precluded by military necessity, advance notice must be provided either orally or in writing. The context for what constitutes timeliness of notification was not spelled out in detailed by Congress under USERRA. However, employers who participate in the National Guard or Reserve should provide their employers as much advance notice as possible. Failure to provide notice could result in a denial of the protection of USERRA.

6. What are valid military orders? All written or verbal orders are considered valid when issued by competent military authority. A military member in receipt of official orders is obligated by federal statute to execute them. The recurring requirement to perform inactive duty training is an example of when written orders may not be formally issued.

7. When may an employer require an employee to provide documentation of military service or duty? After periods of military leave of absence for more than 30 days, the employer has the right to request such documentation, which can be used to establish the employee's basic eligibility for protection under USERRA. All National Guard and Reserve members are encouraged to provide a copy of orders, the annual drill schedule, or other type of documentation to employer as soon as available, if possible, before the commencement of military duty.

8. What if the employee cannot provide satisfactory documentation for military service in excess of 30 days? The employer must promptly reinstate the employee pending its availability. The employer may contact the military unit if necessary.

9. Can an employer require an employee to apply for military leave of absence or otherwise submit official documentation for approval of military leave of absence? No. As stated earlier, the employer may not require documentation for notification prior to military duty. Further, an employer does not have a "right of refusal" for military leave of absence, so long as the employee has not exceeded the 5 years of cumulative service provided under USERRA.

10. Can an employee be required to find someone to cover his or work period when military duty interrupts the work schedule? No. An employee is responsible for notification but not for altering the work schedule or finding a replacement.

11. Can an employer require an employee to reschedule drills, annual training, or any other military duty obligation? When military duties would require an employee to be absent from work for an extended period during times of acute need, the employer may contact the military commander of the employee's military unit to determine if the duty could be rescheduled

or performed by another member. If the military commander determines that the military duty cannot be rescheduled or canceled, the employer is required to permit the employee to perform his or her military duty.

12. Is an employer required to pay an employee who is on military leave of absence? No. While many employers offer differential pay or a specific number of paid military leave days, an employer is not required to pay an employee on military leave of absence.

13. What is the time limit for an employee to return to work after Annual Training or other types of extended military leave of absence? Time limits for returning to work depend on the duration of the orders. The rules are: Service of 1 to 30 days: the beginning of the next regularly scheduled work period on the first full day following completion of service and expiration on an 8-hour rest period following safe transportation home. Service of 31 to 180 days: application for reinstatement must be submitted not later than 14 days after completion of military duty. Service of 181 or more days: application for reinstatement must be submitted not later than 90 days after completion of military duty.

14. What if an employee is injured or incurs a disability during military duty? The deadline for reinstatement may be extended for up to 2 years for persons who are convalescing due to a disability incurred or aggravated during military service, and employers must make reasonable accommodations for the impairment.

15. Does USERRA apply to "state" military duty or Governor call-ups of National Guard members? No. However, protection for such duty is generally provided by state statutes and in most instances is comparable to protections provided under the USERRA.

16. What if an employee does not return in a timely manner to work? The employee is subject to the personnel policies and practices of the employer for unexcused absences.

17. What are the rules for entitlement to health insurance? For absence of less than 30 days, benefits continue as if the employee has been absent. Health insurance must be reinstated the day an employee is reinstated with no waiting period. If the employer cannot put the employee back to work immediately upon application, the health insurance must be restored immediately.

18. Does an employee accrue vacation or medical/sick days from the employer while on military leave of absence? No. An employer may choose to offer accrual of vacation or medical/sick days as an additional benefit. However, an employer is not required under USERRA to provide short-term compensation (pay, vacation accrual, etc.) when an employee is not working at the worksite.

19. Does an employee have the right to make up periods of work missed due to drill or military leave of absence? No. However, employer may choose to offer an employee the opportunity to work hours that were missed.

20. What are the rules on contribution to the pension or thrift savings plan for periods of military leave of absence? Upon reemployment, the employee has 3 times the length of service (not to exceed 5 years) to make payments and the employer is liable to fund any resulting obligation of the plan within the same time frame.

EMPLOYERS' EXPERIENCES WITH GUARD AND RESERVE EMPLOYEES

According to a survey conducted by DoD between October 1999 and January 2000, the vast majority of American employers have a favorable attitude toward employees who serve in the National Guard and Reserve. In surveying businesses that employ reservists, every effort was made to conduct the interview with someone who directly supervised employees who serve in the National Guard and Reserve. These interviews revealed the following:

- 96 percent were satisfied with their employees who serve in the Guard and Reserve;
- 93 percent expressed a favorable attitude toward the Guard and Reserve
- 92 percent have flexible policies to accommodate absences;
- 90 percent felt that employees who serve in the Guard and Reserve kept them adequately informed about their military obligations (however, the higher the employee's level of military participation, the less likely the employer received adequate notice);
- 86 percent said employees who serve in the Guard and Reserve are good team players;
- 27 percent have special pay programs for employees who serve the Guard and Reserve.

Based on survey results, employers appear to be coping with absences due to military obligations in a satisfactory manner. However, concerns were expressed about the increased workload that resulted for other employees during prolonged absences. Overall, a majority of employers surveyed indicated that absences due to military obligations were too long. Nearly one-half felt that absences over 14 days caused problems, while 80 percent were affected by absences of more than 30 days. The impact was greater on small businesses, with the most serious effect said to be the increased workload on co-workers. Unfortunately, it appears that DoD officials were not fully aware of these concerns and strains on civilian employers of

reservists. In other words, employers were not fully convinced that Department of Defense officials fully felt their "pains" when it comes to absences of employees due to military obligations.

However, more than 75 percent of employers were supportive of drills, annual training and absences to defend other countries or meet domestic emergencies, but this support was not there when it came to volunteerism. Even if this volunteerism is for additional duty, training, or professional development, only approximately 45 percent of employers supported employees who volunteer for military duty.

When problems did occur, employers reported that 70 percent of the time problems have been resolved between the employee and the employer, without outside assistance. However, 44 percent of larger companies contacted Reserve commanders to resolve a problem. Contacting Reserve commanders seemed to be the preferred method for larger companies in resolving military conflicts. When it came to recruiting and hiring employees who serve in the National Guard and Reserve, it appeared that prior conflicts over military obligation had little to do with hiring decisions. If all things are equal, 18 percent of companies surveyed, who employ reservists, indicated having a preference for recruiting and hiring persons who serve in the National Guard and Reserve.

When employers were asked how best to improve communication and to foster a better relationship with the military, the overwhelming responses were: (1) Employers should receive copies of employees' orders; (2) Employers should receive official notification from the military; and (3) Employers should receive longer notification times as to when deployment or training will take place.

CONCLUSION AND RECOMMENDATIONS

Today, our National Military Strategy is founded on a three-pronged approach: it calls on us to shape the international environment, prepare our forces for the future, and respond to crises when and where our interests require. As we embrace this new strategy for a new century, America's National Guard and Reserve are moving to the forefront of our efforts to secure peace, engender democracy, and nurture market economies on a global scale. Reservists are an integral and vital part of America's Total Force, and we will continue to rely on them well into the new millennium.⁸

Our increased reliance on the USAR and ARNG and employers' sacrifice in support of employees serving in the military are interdependent. Never in the history of the United States have we called the National Guard and Reserve to active duty under three separate PRC (Bosnia, Kosovo and, South West Asia). Since 1995, these PRCs, coupled with volunteerism,

resulted in the mobilization of 52, 400 employees who serve in the National Guard and Reserve - a tremendous sacrifice by employers.

This number (27,400 involuntarily and 25,000 volunteers) is impressive in its own right as a measure of the National Guard and Reserve participation in the National Military Strategy. It also underscores a central fact about America's post-Cold War military that we cannot sustain operations anywhere in the world without calling on reserve assets to accomplish the mission.

Our National Military Strategy places a colossal burden on employers in the new millennium. There is an inherent sacrifice that employers must undertake in supporting the Guard and the Reserve. The following recommendations are to minimize such sacrifice and improve relationship with employee who serve in the Guard and Reserve. This list is not in any priority.

- Fair, honest, and candid dialogue between employers and military officials must be maintained at all time
- Clearly acknowledge employers' concerns over lost productive due employees' military obligations
- When feasible, implement employers recommendations to USERRA
- Employees should keep employers and supervisors well posted on drill dates and possible deployments.
- Employers should get to know employees' commanders and supervisors. Employers should also ask commanders or supervisors to provide advance notice of your employees' annual military duty schedule and work out conflicts as early as possible, while alternative arrangements may be possible.
- Employers should get their entire management team to promote your support of the National Guard and Reserve. Explain your position and address any concern during this time.
- Employers should encourage employees' participation in the National Guard and Reserve. Recognize and publicize their dedication and commitment to your business and to the nation. Apply the training they receive from military duty.

WORD COUNT= 5,931

ENDNOTES

¹ United States Office of the Assistant Secretary of Defense (Reserve Affairs), Reserve Component Programs, (Washington, D.C.: Office of the Assistant Secretary of Defense for Reserve Affairs, March 2000), xxxv.

² Ibid., 1.

³ Ibid., 71.

⁴ Ibid., 70.

⁵ Stephen M. Sarcione, Will Employers Continue to Support the Reserve Components in the 21st Century?, Strategy Reserve Project (Carlisle Barracks: U.S. Army War College, 10 April 2000), 7.

⁶ John Hendrix, "Employer Support of the Guard and Reserve," 1 January 2000; available from <<http://forscom.army.mil/esgr/>>; Internet; accessed 30 January 2001.

⁷ "Employer Support of the Guard and Reserve," Information for Employers," available from <<http://www.esgr.org/employers.html>>; Internet; accessed 31 January 2001.

⁸ United States Office of the Assistant Secretary of Defense (Reserve Affairs), The Reserve Components of the United States Armed Forces, (Washington, D.C.: Office of the Assistant Secretary of Defense for Reserve Affairs, December 2000), i.

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