

CURRENT STRATEGIC ISSUE: DEPLOYED RESERVE COMPONENT SOLDIERS AND CIVILIAN EMPLOYERS

BY

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USAWC STRATEGY RESEARCH PROJECT

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AND CIVILIAN EMPLOYERS**

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The National Military Strategy requires that our Armed Forces draw support from all manning resources to fight the Global War on Terrorism (GWOT). The Reserve Component (RC) with its unit strength and readiness is a currently utilized and vital resource. However, recently deployed RC service members are experiencing problems with their civilian employers-as well as with their families. This Strategic Research Project (SRP) will analyze these significant issues. It describes relevant policies, such as the Employer Support of the Guard Reserve (ESGR) and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which were designed to support and protect the rights of deployed RC soldiers. The Army Reserve Employer Relations Program (ARER) and a General Officer Employer Outreach Steering Committee have been initiated to support Army Reserve soldiers. This SRP concludes with recommendations to assist in alleviating these problems as RC soldiers continue to support our national defense in the GWOT and other worldwide missions.

CURRENT STRATEGIC ISSUE: DEPLOYED RESERVE COMPONENT SOLDIERS AND CIVILIAN EMPLOYERS

Over the past fifteen years, U.S. military involvement in several Stability and Support Operations (SASO), formerly designated Military Operations Other Than War (MOOTW), has become the norm. These SASO have necessitated Reserve Component (RC) units of all military branches to deploy for long periods of time in different areas of the world. Past and current SASOs consist largely of support operations that Active Component (AC) military units alone cannot conduct alone as they prepare for major contingencies. For this reason, RC units have assumed the task of providing the majority of support deployments for SASO campaigns.

The U. S. Army Reserve (USAR) and Army National Guard (ARNG) currently provide over 65 % of the combat service support for the U.S. Army. It is currently well-prepared to support SASO missions. The problem is that a majority of the deploying RC Soldiers also work for civilian employers. Their problem is twofold: First, employers do not want to let the employee deploy because their absence disrupts the workplace. Second, their Reserve units cannot afford to leave these individuals behind because their absence would directly affect their units' posture and readiness. In many cases, the returning RC Soldiers encounter problems as they return to their civilian jobs. In other cases, RC Soldiers refuse to deploy and instead risk military convictions under the Uniform Code of Military Justice.

As RC Soldiers continue to contribute to SASO operations, they continue also to need greater protection of their civilian job security. Stronger guidelines and incentives must be created for both employer and the RC Soldiers' families in order for these

Soldiers to deploy worry-free and for their units to maintain both unit strength and readiness.

RC units are predictably experiencing higher than anticipated turnover rates as RC Soldiers grow weary of frequent deployments and their routine two-week active-duty training (ADT) requirement. Their stresses in fulfilling these obligations are exacerbated by their employer's unwillingness to keep their civilian jobs open for them.

In many cases, RC Soldiers accept court martial and unfavorable military discharges simply to keep their civilian jobs. Many of these RC Soldiers have worked hard and long to build retirement plans and retain health plans and tuition funds for their children. To preserve such benefits and their job security, they choose to accept unfavorable discharges from their military service.

Retention

Deployed RC Soldiers encounter problems due to family issues along with civilian employer issues. When they are deployed, they may lose pay as well as benefits. These losses impact their families' standard of living and overall welfare. Just as their employers become reluctant to support their military service, their families may begin also to resent the hardships imposed by their military service. This significance of these issues is especially critical to retention stability within the force.

The Uniformed Services Employment and Reemployment Rights Act (USERRA), which incorporates the Veterans Re-Employment Rights Law (VERL), stipulates that: "Although the employer does not have to pay the reservist while they are on active duty, the employer may adopt a policy that pays the reservist the difference between the old salary and the military pay".¹ Of course, this compensation is optional. In most cases,

the RC Soldier's family pays the difference by making sacrifices for the soldiers' deployments.

If RC Soldiers' families survive a deployment, these soldiers are likely to leave the service at the first opportunity. While it is unlikely that employers will make up for the deployed RC Soldiers' losses in pay and benefits, it is more likely that employers will retaliate against the RC Soldier's frequent and lengthy deployments by making it difficult for them to re-gain their civilian jobs.

These soldiers' family members often feel that the Army is indifferent to the Soldiers' families' welfare. The family then resents their RC soldiers' military service. Eventually, they force the soldier to make a very hard decision: Leave the Army or lose the family. However, the family is not the sole contributor to potential retention problems. Recent operational tempo has impacted both the RC Soldiers and their families. When many older RC Soldiers chose to join the Reserves or the National Guard, they did not anticipate being deployed, certainly not frequent and lengthy deployments. So they do not regard the RC they now serve in as the RC they joined. In effect, they are obliged to play in a "new game".

To solve these problems, the Department of Defense (DOD) needs new programs to support the "new game". Deployed RC Soldiers should be compensated for pay losses, and they should have total assurance of their civilian job security. Otherwise, the RC will be unable to recruit and retain trained and highly qualified soldiers. Also, Soldiers' educational benefits should be extended to their immediate families. To use these benefits to their fullest advantage, enlistees' and re-enlistees' families should participate in seminars that fully explain the RC Soldiers' rights and

benefits. Both the Soldiers and their families should be informed of the ways and means to exercise these rights and to gain proper access to the benefits.

Likewise, RC Soldiers' civilian employers should be fully informed of their RC Soldiers' rights to equal employment and guaranteed job security. Several current lawsuits filed by returning RC Soldiers indicate that some civilian employers are refusing to fulfill their obligations to their returning RC Soldiers.

It was not uncommon for deployed RC Soldiers returning from Operation Desert Shield/Desert Storm in 1991 to have concerns about job security. Legal representation to present cases in court for job discrimination or unlawful job termination was not always possible for them.

Aware of this discrimination, other employees become reluctant to join RC units. Also, potential employees refuse to indicate they are in the Reserves while applying for employment. As SASO missions increase, situations such as these will have to be resolved. Otherwise, RC units' strength and readiness will decline even further in the future. The needs of the unit should always be paramount and supporting the RC Soldier will undoubtedly be a key to maintaining fully manned and well-prepared RC units for the desired end state of success.

Mobilization

Historically, RC commanders and civilian employers have cooperated and shared their concerns. Employers have informed RC commanders of their issues regarding deployed employees: decreased efficiency of the work unit; difficulties in finding an immediate qualified replacement; and most importantly, the lack of awareness of the deployed employee to the military mission. Both the employer and

commander need the RC employee. But the employer yields his claim to the urgency of the military mission. And the commander greatly appreciates the employer's sacrifice. In the best case scenarios, the employer has a written policy for deployed employees, so deployed RC Soldiers clearly understands their employers' intent regarding Soldiers' civilian employment. Likewise, the Soldiers' commander should be aware that the employer is complying with relevant laws and regulations. However, for those returning RC Soldiers' who might have official complaints against employers who have no written policies, certainly need some form of recourse to assist them in resolving this situation.

Job Security

The U.S. armed forces involvement in major contingencies has changed significantly since Operation Desert Shield/Desert Storm. SASO missions have dominated our military agenda and will continue to do so for the foreseeable future. Much of the reason for this is that the law that states that employers will not penalize Reserve members for joining the Army Reserve or National Guard, or for attending required training, is not well-acknowledged. Some employers are not aware that the law exists.

The law that governs employee rights for reservists is the "Veterans Re-Employment Rights Law" (VERL). It specifies the following obligations that "all businesses, regardless of size, must comply with:"²

Reservists do not have to give notice before leaving for active duty or to perform training with the Armed Forces. Pay increases, vacations and other benefits that would have accrued while the reservist is on leave must be given upon the persons return from active duty. If a business is sold, or otherwise changes residence or ownership, the new employer has the same re-employment obligations to the reservist as the old employer would. Although employers do not have to pay reservists while they are on active duty, the employer may adopt a policy that pays the reservist the

difference between the old salaries and the military pay. When returning from active duty the reservist has the right to go back to a job in the workplace in a position of similarity, seniority, and status and pay, even if this requires the firing of a replacement employee placed in the reservists' job. The reservist needs a certificate showing satisfactory performance while on active duty or training service so that he/she may return to their former job. Reservists have to apply for re-employment merit within 31 days of leaving active duty. Any workers who are not a temporary employee and called to active duty is eligible to get their job back, including a worker on probationary status who has been on the job for only a few days. Pension rights based on service rights continue to accrue while the employee is on reserve duty. An employer must continue to make pension contributions on the employee's behalf if the plan requires such payments based on the length of service.³

Since employers are increasingly aware that deployments will continue and RC Soldiers' service obligation time, RC lobbyists need to get more involved in ensuring that all employers understand the rights of the reservist when they are required to deploy.

A first step would be a law requiring to be posted in the VERL and prominently in visible areas in all private sector workplaces. This law should also require that VERL is annotated in all employment applications along with information specifying the rights, privileges, and benefits extended to the deployed RC Soldier while he or she is deployed. Former President Bush had recognized the importance of the RC force in responding to recent national crisis. He has thanked and praised the employers of these Citizens-Soldiers for their support and commitment to our nation on fighting the global war on terrorism.

Employers of RC Soldiers with questions or concerns can contact the National Committee for Employer Support of the Guard and Reserve (ESGR). ESGR has personnel on 24-hour call ready to provide information and answer questions regarding the Uniformed Services Employment and Reemployment Rights Act, Title 38, U.S.C., as

it applies to civilian employment and military duty.⁴ ESGR personnel have been very proactive with a 24-hour call center that can be reached to assist on matters related to ESGR issues.

ESGR is a DOD agency “established in 1972 to promote” understanding and support among employers of employees who serve as members of the National Guard and Reserve.⁵ As the 1.3 million members of the RC force continue to perform an increasing number of contingency missions at home and worldwide, the ESGR is poised to continue as the contact agency for questions and information regarding programs that support the relationship between civilian employers and their employees who serve in the RC force.

Post-Deployment

As stated earlier, some employers do not know of the VERL laws. For this reason, some employers inadvertently make their own rules not without understanding their VERL obligations, thereby leaving themselves vulnerable to repercussions.

Either employers are ignoring the rules or aren't aware that the law exists. Most employers surely would not knowingly risk a lawsuit. What is worse is that RC Soldiers in many cases are unaware and don't fully understand the law pertaining to their employee rights as deployed RC Soldiers.

Companies that have a verified written policy on the rights and privileges of deploying RC Soldiers generally have fewer problems with the Soldier's absence and return to the workforce. This is because both the employer and employee/reservist understand their position concerning compensation well before deployment.

There are still lingering problems with companies that have no written policy on how they deal with deploying reservists'/employees and whether they handle each reserve call-up/mobilization differently from operation to operation. In such cases, assertions that "employers are making their own rules" may be valid. To gain more reliable information on this problem, the Reserve Officers Association (ROA) surveyed the nation's Fortune 500 companies on how these companies address deployed RC deployed soldiers' salaries and benefits.

ROA supports the RC Soldiers in balancing civilian and reserve commitments by advising them on career management. ROA provides a wide range of professional and personal benefits, such as professional development workshops, mentoring programs, and a career center to meet the unique needs of our members. "The Reserve Officers Association is an approximately 65,000-member, professional association of officers, former officers, and spouses of all the uniformed services of the United States, primarily the Reserve and National Guard. It is a congressionally chartered Association that advises the Congress and the President on issues of national security on behalf of all members of the Reserve Component."⁶ As a liaison between government entities, the media, and its members, ROA keeps RC Soldiers' and their families apprised of important matters, such as call-ups and legislative actions that impact our service members.

The ROA survey of Fortune 500 companies was revealing:

Aetna pays two weeks full salary, plus differential for entire activation and offers full medical and life insurance benefits to deployed reservists. Anheiser-Busch pays the difference between military active duty pay and the reservist civilian salary for six weeks in peacetime and for the duration of activation. Wal-Mart offers no pay and no differential pay, but will pay the premium on their health care plan insurance during the reservists'

active deployment up to five years. Archer Daniels offers pay differential throughout the deployment. Coca-Cola personnel will receive four weeks pay and continue to receive all benefits while deployed.⁷

Survey statistics confirm that these companies are making efforts to support deploying reservists' with pay and benefits. Ironically, defense based companies are known to be the most parsimonious in offering benefits to deployed RC Soldiers. Are civilian employers making their own rules? The information returned from the ROA survey suggests that they are making great strides to the contrary.

It would be wise to require employers to demonstrate awareness of the laws contained in the VERL. Also, the federal government should pay standardized differential monetary compensation to all deploying reservists employed by companies with no viable policy. This initiative would support a deploying RC Soldier working for a company that offered no such compensation. Upon the employee/RC Soldier's request the government would pay health care, insurance, and the difference between the RC Soldiers' civilian salary and the military pay. This would take place each time the RC Soldier deploys, no matter what the length of deployment may be. The employer would remain bound by law to continue all other employee benefits for the returning employee.

If the government elects to support by paying this differential, employers who have no written policy may be more receptive to employing RC Soldiers. With the rules clarified, employers would be more willing to put a policy in writing. If the government takes up the slack for deploying employees/ RC Soldiers that face these problems, this would eliminate the Soldiers' concerns about lost or decreased income. Additionally, the employer can eliminate the burden of paying for an employee not at the workplace. Most importantly, the employee/deployed RC Soldier is comfortable in knowing his or her family can pay their bills and maintain all of the benefits they accrued before having

to deploy. As far as the Soldier's domestic issues are concerned, the unit gets a worry-free RC Soldier. This alone will directly improve the RC unit's strength and readiness.

The USAR and the ARNG provide tuition benefits for their Soldiers. Beyond this attractive incentive, the guarantee to ensure personnel in the workforce that wages and benefits will not be lost during a deployment would not only increase retention, it may assist in getting the right types of civilian personnel in the private sector interested in joining the RC force.

Employers of USAR Soldiers have become inextricably linked to a strong national defense and are significant partners in the GWOT. One of the most effective methods to assure that these employers welcome this partnership reach employers is to make them aware of their valuable contributions and significance through recognition, personal contact, and building and maintaining relationships. Accordingly, "Employer Support" has become an "Army Reserve Priority."⁸ In June 2005, the USAR stood up the Army Reserve Employer Relations (ARER) Program to support and augment the ESGR. The ARER Program mission is designed to enhance AR retention and readiness by advocating good employer relations and to assure a continuum of viable economic support to sustain Soldiers' well-being during periods of active military service. This vital process is critical to a successful campaign both at the local level and the national level of ESGR. The ARER Program provides a direct link to employers.⁹

The ARER Program partners the RC and employers of RC Soldiers in support of Citizen-Soldier employees and their family members. The ARER Program provides a variety of services to Soldiers and employers, including:

- Uniform Services Employment and Reemployment Rights Act (USERRA)

- Ombudsman Services (Mediation, Negotiation, and Training)
- Employer Outreach Programs
- Employer Awards and Recognition
- Mobilization and Demobilization training support
- Local Unit Liaison Representatives and Volunteers
- Assistance in facilitating the operational aspect of each unit's Employer Outreach (EO) Program¹⁰

In the benefits it offers RC service members, the federal government sets the pattern for other employers: military leave for active duty training and continued medical coverage for family members when a RC service member is activated. "The largest employer of reservists is the U.S. Postal Service."¹¹

"In 1972, DOD chartered the National Committee for Employer Support of the Guard and Reserve (ESGR): 1. Inform employers of the ever-increasing importance of the National Guard and Reserve. 2. Explain the necessity for and role of these forces in national defense."¹² Its mission is to gain and maintain active support from public and private employers for the men and women of the National Guard and Reserve, as defined by demonstrated employer commitment to employee military service.¹³

The Army Reserve feels that "It is vitally important that we recognize employers of Army Reserve Soldiers for their patriotic support during times of mobilization and deployment. Employers support not only the RC Soldiers, but the RC Soldier's family as well. Recognizing the employer during the Welcome Home Warrior Citizen Award Program casts the employer in a positive light in a public situation and acknowledges

their sacrifices in support of the Soldier, his or her mission, the unit, and the United States Army.”¹⁴

The Chief of the Army Reserve (CAR) Lieutenant General Jack Stultz has been determined to foster better relationships between corporate America and Citizen/Soldier employees. The Employer Outreach and Benefits General Officer Steering Committee (EOB GOSC) was created in 2007 to support his intent to strengthen their relationships. Highlights of this initiative include:

To engage America’s employers in discussion on stresses GWOT places on their employment of Army Reserve Soldiers. To work with employers on a viable means of ensuring that Army Reserve Soldiers could continue to have competitive civilian and military careers. To ensure that the Army Reserve will continue to attract the best and brightest. To facilitate Soldier and their Families’ abilities to make informed decisions about relocation via a website that could forecast civilian and military career opportunities across the Nation.¹⁵

The Army Reserve is determined to maintain, sustain and progress with ensuring that RC Soldiers and their civilian employers are more on training and deployment cycles as to alleviate as much turbulence as possible within the workplace and home. Appreciation for the employers and their shared support for the RC Soldier are always essential for success. It is important to note that some communities have created their own successful partnerships with government agencies and organizations at the state and local level. For an example, The State of New Hampshire has established the “Operation Welcome Home” committee to serve as a “virtual military community in the absence of military bases and forts.” This committee works as a resource for returning veterans and their families in transitioning back into their respective communities.¹⁶

The Army Reserve Employer Partnership is a new initiative with three interrelated components that together leverage employer and Army Reserve recruiting, skills training and credentialing, as well as potential sharing of health costs.¹⁷ The Army Reserve Employer Partnership provides a competitive advantage for Army Reserve Soldiers, the Army Reserve, and Employer Partners. Army Reserve Soldiers gain an edge in the employment market over other job hunters when competing for a position because they receive “preferred status” from those employers who partner with the Army Reserve. Army Reserve Soldiers are more employable than other job-seekers because they bring a bundle of cost-effective benefits that appeal to Employer Partners: pre-screening, training and credentialing, and a potential health-benefits stipend.¹⁸

The Army Reserve has a robust recruiting structure with a variety of extrinsic and intrinsic incentives to attract smart, mature, vigorous people who have solid plans for their lives. The Army’s world-class, values-based experiential training in high-stress environments throughout the world hones our Soldiers’ problem solving and decision making abilities and harnesses the strength of teamwork. Army Reserve soldiers bring these important skills to the civilian workplace, too.

The Employer Partnership also looks for ways to increase credentialing options so Army Reserve Soldiers can bring their military training and skills to the civilian workplace comparable to fill a need in a civilian company. Sharing the costs of health care benefits is potentially a win-win for employers and the Army Reserve. While Army Reserve Soldiers are temporarily deployed, their families can enjoy continuity of health care. This reduces stress and strengthens their resilience. In turn, employers may have greater flexibility when devising benefit packages for their employees.¹⁹

The Army Reserve is the only military service that offers the benefits of the ground-breaking and exclusive Employer Partnership, so it enjoys a recruiting advantage over our other services. The Army Reserve is the service of choice for patriotic men and women who have a personal plan and want to improve the lives of people around the world through nation building and humanitarian assistance. The Army Reserve responds quickly to secure and defend the homeland, support and sustain the operating force during war. As Army Reservists enhance national security, they get the opportunity to advance their civilian career goals simultaneously with Employer Partners.²⁰

Employer Partners who hire Army Reserve Soldiers will enjoy a reduction in employee costs for recruiting, training and health care benefits. Army Reserve soldiers are pre-screened; they can apply their skills and credentials in the workplace almost immediately. Employer Partners can channel employee cost savings into other parts of the business to become more profitable. Additionally, Employer Partners will draw potential employees away from business rivals who are competing for human talent.

Since the Employer Partnership Initiative was launched in April 2008, about 30 companies and agencies have formed an alliance with the Army Reserve to collaborate on recruiting, training, and cost-sharing of employee benefits. More than 300 businesses and agencies have expressed an interest in partnering with the Army Reserve; they are in various stages of formalizing their alliance with the Army Reserve.²¹

Dr. Heidi L. Golding, Principal Analyst, National Security Division of the Congressional Budget Office, testified that is difficult to ascertain exactly how the

current operational use of Guard and Reserve employees affects employers, because there is very little data to identify those employers.²²

The following executive summaries and graphs illustrate the commitment and focus of the Army Reserve on critical issues. They illustrate better ways to support deployed RC Soldiers and its civilian employer support base.

Soldier Survey Executive Summary

The survey consisted of eleven questions, with overall participation from 10,288 Army Reservists, 94% from Troop Program Unit (TPU) soldiers. 72% of the Soldiers have mobilized. Many responding Soldiers have experienced significant issues with decreased pay and employer problems.

Many Soldiers claim that they need advance notification of mobilization, including report orders for their employers. Respondents frequently report that employers are not supportive and have found loopholes in USERRA. Some Soldiers have been fired and laid off, while others were coerced to resign from their positions.

Another significant trend is the Soldiers' perception that their careers suffered while mobilized. Many stated that they were not given raises and bonuses that they think they were entitled to under USERRA; they suggested that employers need explanations and training on USERRA laws. This educational initiative would encourage their support for reservists and encourage them to recruit, retain, and advance reservists in their organizations.

Some respondents cited needs for more family support, assistance in getting jobs, and counseling programs. But, Soldiers were mostly interested in tougher laws to protect their jobs, pay and benefits. The survey also suggests that many Army

Reservists are unhappy with the current mobilization process especially regarding notification and orders. These survey participants were quite candid and informative in answering the related questions and ensuring their concerns and recommendations were documented.²³

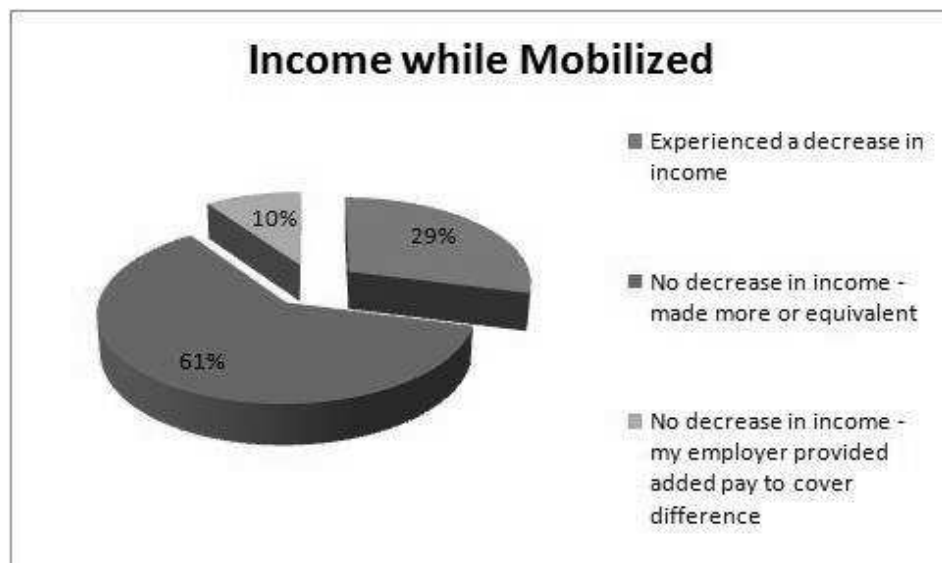


Figure 1:²⁴

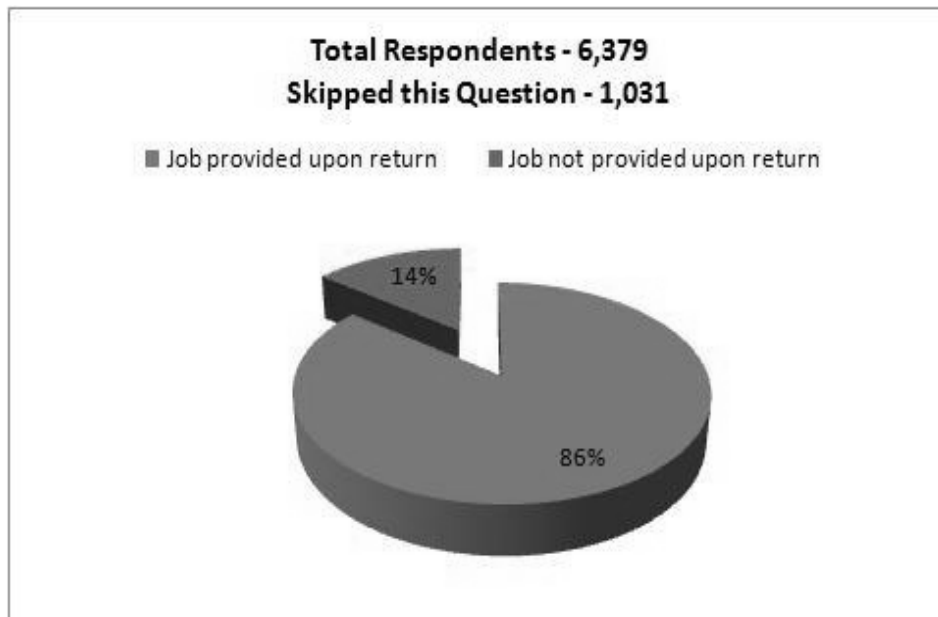


Figure 2:²⁵

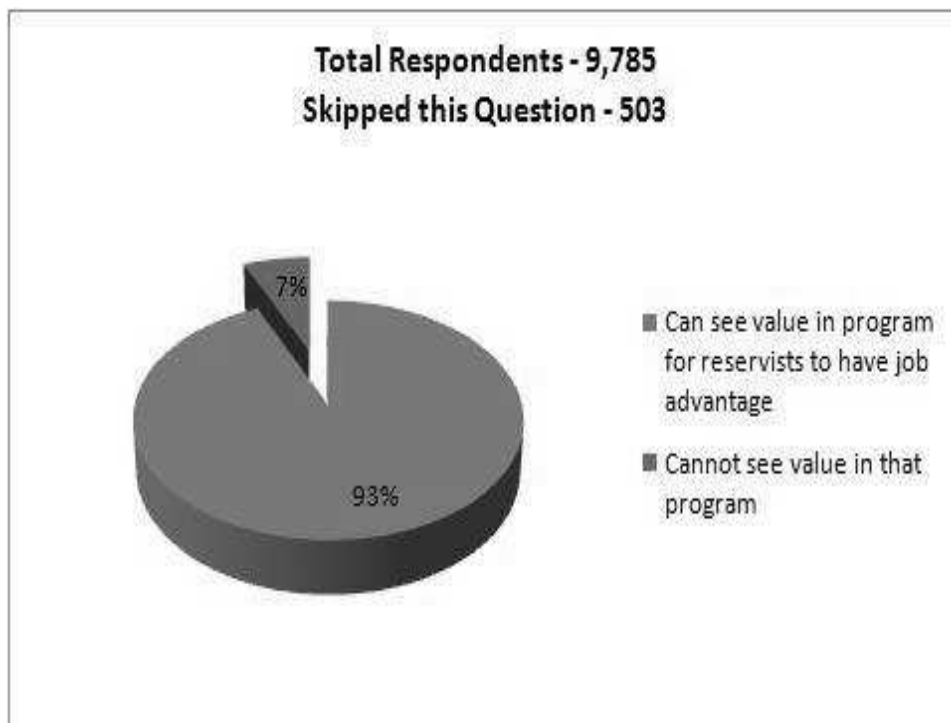


Figure 3:²⁶

Employer Survey Executive Summary

To gain a greater understanding of concerns of industries and employers from the private and public sector, a survey addressed areas identified by the statement of

work for the “Optimizing a Shared Workforce” strategic plan. The employer survey, employer interviews, and other research support recommended strategies and identify expectations and concerns among employers. This information should enhance communications and determine how to focus resources. The expectations and concerns across different types and sizes of employers, public and private were considered in development of this survey, which garnered 200 employer respondents.²⁷

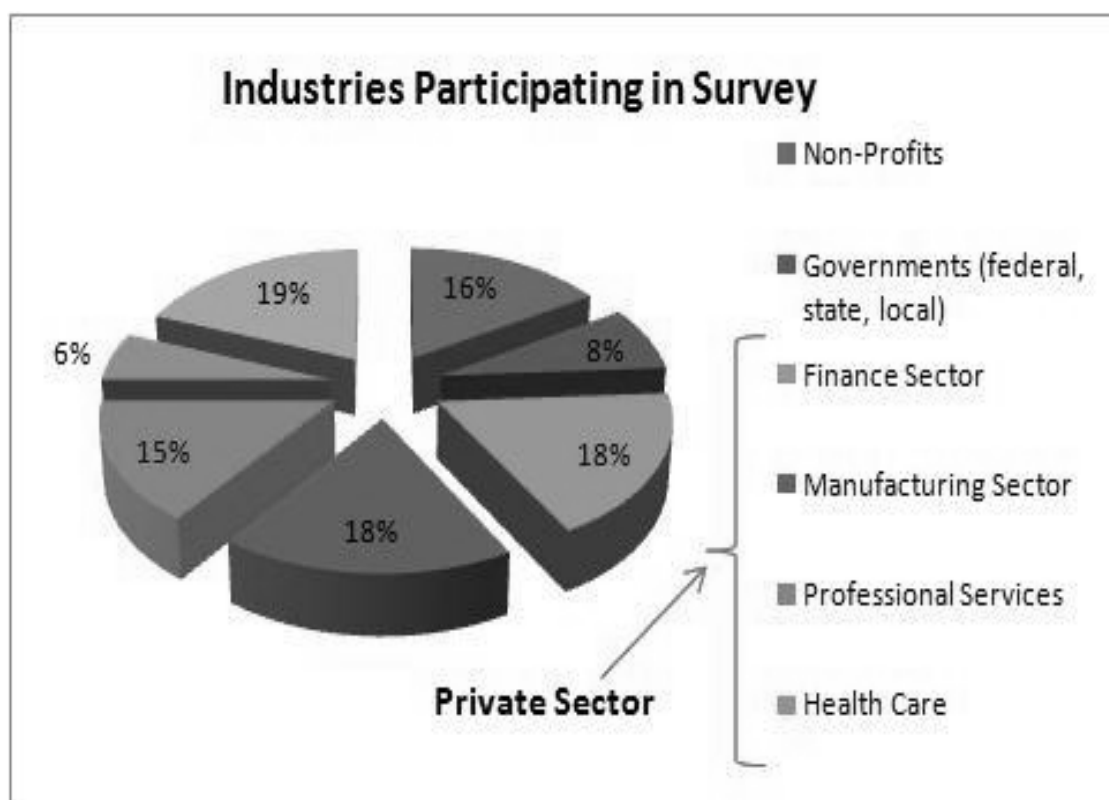


Figure 4:²⁸

The survey assisted in gauging the overall viewpoint of the employers' concerns and desires regarding their employees serving in the armed forces. Fifty percent of the organizations participating ranged from 1 to 500 employees, while thirty-one percent of the respondents were from organizations of 2,000 or more employees. Seventy-eight

percent of the organizations reported that they have employed reservists; among these, seventy-two percent reported that their reservist employees have mobilized since September 11, 2001.²⁹

When asked about the effects on the organization of employee mobilizations, forty-four percent said there were none. Forty-nine percent mentioned the cost of training replacements. Nineteen percent mentioned salary differential pay. Sixty-two percent reported that they would prefer the current deployment plan to of deploying the reservist one out of every five years, rather than shorter, more frequent mobilizations. Regarding notification, seventy-five percent said they get adequate notification. Thirty-eight percent say that three months advance notice is sufficient. Eighty-two percent say there is sufficient notification from the employee about reserve duty and commitments.³⁰

These employers believe that the Army Reserve should communicate better with employers regarding reservists' mobilizations and obligations. Seventy nine percent said they would like to receive communications about upcoming mobilization and duty assignments from both the employee and the service. Ninety one percent of employers agree that employees with military experience tend to offer positive traits like leadership, maturity and discipline. Overall these surveys show positive support for interest in programs for RC soldiers and employers.³¹

Recommendations

The foregoing analysis has led to the following recommendations: Pass appropriate laws and regulations to require the private sector to include guidelines concerning RC military service into job applications and workplace standard operating procedures. Those guidelines will inform prospective employees of their rights and job

benefits should they decide to join the Reserve Component or already belong to an RC unit.

Standardize RC compensation package for pay and benefits across the board by having the government pay the difference in the RC Soldier's civilian pay and his or her active duty pay. This would assure RC Soldiers' financial security and improve RC units' strength and readiness.

Continue to revise and strengthen the initial entry and re-enlistment process by educating family members on how these laws and compensation will provide for the families' welfare upon the RC Soldiers' deployment. This orientation will ensure the families' of the Army's concern for the soldiers' families' welfare. Thus RC Soldiers' families will be more supportive of their Soldiers' reenlistment.

To ensure the prior recommendations are complied with, the Army must implement Quality Assurance units (QA). The QA units would conduct annual inspections to ensure employers and reserve units are strictly complying with these policies. RC unit commanders and retention officials would be inspected to ensure families are being made aware of RC service members' entitlements during deployments.

Create of a "job pool" to help leverage the skills sets of RC Soldiers with civilian employers as they return back home from deployments. A major benefit is that many of the Soldiers' have training in specialized skills and are prepared for hiring from companies. This job pool would be quite beneficial to inform US businesses and industries of the range of expertise available in RC Soldiers to ultimately strengthen any organization that were to employee them.

To insure strict compliance by all parties involved, the QA official should be granted authority similar to that of the Internal Revenue agents. Also, an effective QA unit could increase retention and improve RC unit strength and readiness. These recommendations are designed to fix the RC's recruitment and retention problems. Also, these recommendations must be legislated by Congress and enforced to the fullest extent of the laws that support these RC Soldiers.

The preceding recommendations are designed to provide reliable support to deployed RC Soldiers with their civilian employers. If they are implemented, they should strengthen RC units and alleviate some recruiting and retention problems that still exist. The morale of Soldiers is truly essential for maintaining good order and discipline as they protect our freedom and rights as citizens in the free world.

Conclusion

Our commitment to care for RC Soldiers as we continue our transformation is clearly articulated in this message from Lieutenant General Jack Stultz:

To sustain our Warrior Citizens, their Families, and their employers throughout FY08 and beyond, the Army Reserve will continue to identify incentives, initiatives, and legislative changes to increase recruiting and retention and minimize attrition as we transform to a more effective operational force. We cannot realize long-term success as a force if we cannot create a stimulating environment that fosters growth and personal satisfaction. We must continue to maintain and improve the quality of life for our Soldiers, Families, and employers. This requires sustained and predictable funding to meet our manning objectives. Our focus on the imperative of Sustain will help bring the Army Reserve into balance and will support our full transformation to an effective, capable, sustainable, and enduring operational force.³²

As a full-time RC Soldier who serves directly with many of our dedicated RC Citizen-Soldiers, I understand and share with LTG Stultz the need for commitment to our RC Soldiers. It is truly important that we consistently address the current strategic

issue of the relationship between the Reserve Component force and its civilian employers as our nation continues fighting GWOT and worldwide missions in support of our National Military Strategy. We must ensure that our men and women in uniform are taken care in every possible way as they transition back to their civilian lives and employment. "Why is this important to the Army Reserve? In the current Global War on Terrorism, civilian employers of Army Reserve Soldiers play a critical role in the defense of the nation by complying with existing employment laws protecting the rights of Army Reserve Soldiers while they serve in defense of the nation. It is imperative and vitally important that the Army Reserve and the local community work together to build on the talents and skills of the Citizen-Soldier. Forging enduring and lasting relationships with civilian employers is an important link in the success of the Army Reserve's mission. Without civilian employer support it would be difficult at best to sustain a creditable force. For the Army Reserve to meet its statutory edicts we must leverage the civilian business community as we optimize a shared workforce."³³ In my opinion, this will undoubtedly position the Reserve Component force on the right path for success as it continues to support our nation's fight to win the Global War on Terrorism.

Endnotes

¹ *Uniformed Services Employment and Reemployment Rights Act, 1994 (USERRA).*

² Ibid.

³ Ibid.

⁴ *Employer Support of the Guard and Reserve (ESGR)*, <http://esgr.org/userrathelaw.asp> (accessed 10 December 2008).

⁵ Ibid.

⁶ *Reserve Officer Association Fact Sheet*, <http://www.roa.org/site> (accessed 10 December 2008).

⁷ "The Officer's Survey of Reserve-Friendly Fortune 500 Companies," *Reserve Officer Association Magazine, The Officer Online*, December 2008, http://www.roa.org/site/DocServer/0812_f500.pdf?docID=11481 (accessed December 13, 2008).

⁸ Robert Jones, e-mail message to author, November 13, 2008.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Commission on the National Guard and Reserves (CNGR), *Transforming the National Guard and Reserves into the 21st-Century Operational Force*, Final Report to Congress and the Secretary of Defense (Washington, DC: Commission on the National Guard and Reserves, January 31, 2008), 300.

¹² ESGR Fact Sheet, <http://esgr.org/files/factsheet/mediakit.pdf> (accessed 9 January 2009).

¹³ Department of Defense Directive 1250.01, "National Commission for Employer Support for the Guard and Reserve (NCESGR)," April 13, 2004 (certified current as of April 23, 2007), 3.

¹⁴ Robert Jones, e-mail message to author, November 13, 2008.

¹⁵ Ibid.

¹⁶ Commission on the National Guard and Reserves (CNGR), *Transforming the National Guard and Reserves into the 21st-Century Operational Force*, Final Report to Congress and the Secretary of Defense (Washington, DC: Commission on the National Guard and Reserves, January 31, 2008), 298.

¹⁷ LTG Stultz, Chief, Army Reserve, "CAR Talking Points for Army Reserve Senior Leaders, November 2008" Document provided to author by Mr. Robert Jones, Senior Planner, Career Training Concepts, Inc. by e-mail message, November 13, 2008.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ MG Barbara Eder, Deputy Chief of the Army Reserve, "Senior Leader War Council" briefing, Carlisle Barracks, PA, U.S. Army War College, October 29, 2008.

²² Dr. Heidi L. Golding, testimony before the CNGR, Hearing on Employer and Family Support, transcript of May 17, 2007, hearing, 11.

²³ U.S. Army Reserve, *U.S. Army Reserve Soldier Survey Executive Summary* (Washington, DC: U.S. Army Reserve, September 15, 2008). Document provided to author by Mr. Robert Jones, Senior Planner, Career Training Concepts, Inc.

²⁴ Ibid. Figure created by author from statistics within survey.

²⁵ Ibid.

²⁶ Ibid.

²⁷ U.S. Army Reserve, *U.S. Army Reserve Employer Survey Executive Summary* (Washington, DC: U.S. Army Reserve, September 15, 2008). Document provided to author by Mr. Robert Jones, Senior Planner, Career Training Concepts, Inc.

²⁸ Ibid. Figure created by author from statistics within survey.

²⁹ Robert Jones, e-mail message to author, November 14, 2008.

³⁰ Ibid.

³¹ Ibid.

³² LTG Jack Stultz and CSM Leon Caffie, United States Army Reserve Posture Statement, 1 April 2008, presented to the Air and Land Forces Subcommittee of the House Armed Services Committee, 110th Cong., 2nd sess. (Washington, DC: US Department of the Army, 2008).

³³ *The U.S. Army Home Page*, "Considering the Army Reserve?" <http://www.army.com/news/item/2418> (accessed December 13, 2008).