



### Your Responsibilities under the USERRA Act

### Presented by Employer Support of the Guard and Reserve (ESGR)





### ESGR Mission



To develop and promote supportive work Environments for Service members in the Reserve Components through outreach, recognition, and educational opportunities that increase awarenessof applicable laws, and resolves employer conflicts between the Service members and their employers.





- Chartered by DoD 1972 Presidential Proclamation
- Supervised by the National Committee for ESGR under the Assistant Secretary of Defense for Reserve Affairs.
- + 4500 volunteers nation-wide assisting Guardsmen and Reservists
- The only DoD entity that "has your back"



## Reemployment Rights



- Reemployment rights in existence since 1940
- 1994 Congress enacted Uniform Services Employment and Re-Employment Rights Act (USERRA)
- Provides re-employment protection and other benefits for veterans and employees who perform military service; applies to civilian jobs, govt jobs, any job!





# Eligibility



To be eligible for re-employment under the terms of USERRA , you must:

- ✓ Have a civilian job
- ✓ Give advance notice to employer of your absence
- ✓ Cannot exceed five cumulative years.
- ✓ Be released under honorable conditions
- ✓ Report back to work in timely manner







- 1. Normal Drills
- 2. Annual Training
- 3. Involuntary recall or retention on active duty
- 4. Duty during war or national emergency
- 5. Certain operational missions
- 6. Critical missions or requirements
- Some MOS's require obligations more than 5 years





Tell your employer as soon as you are notified

- In person, by phone, letter, fax or e-mail.
- Letter with a copy of the orders attached is *preferred*, keeps a paper trail.
- Actual hard copy orders may not be available until later send them as soon as you've got them!











- Report back to work in timely manner
  - 1 to 30 Days Next Day after 8 hours of rest
  - 31 to 180 Days 14 days after completion of service
  - 181 Day or more 90 days after completion of service
- For any period of 181 Days or More
  - you must submit an application
    - for re-employment
    - For your protection;
      Bring records up to date and establish a paper trail





# Timeline for Going Back

- Absent less than 91 days entitled to the same job you would have attained if you had not left provided you are still qualified or can become qualified.
- Absent over 91 days Hired back as above or in like seniority, status and pay. Same qualifications apply.
- Special considerations will be made if you have been injured or disabled.
- Cannot be discriminated against in hiring, promotions, terminations or benefits.



## Going Back to Work



- You must meet eligibility requirements
- Should have prompt re-instatement (days not weeks)
- Seniority is accrued as if you never left
- Pay and benefits advance as if you never left
- Escalator principal both up and down







10





- Rights and benefits are determined by seniority
- Vacation time cannot be taken away by the employer
- Vacation time can be used if you want to use it
- You do not accumulate vacation time while on









## **Civilian Insurance**



- You may elect to continue your health insurance for you and your family.
- For periods of up to 30 days, you could be required to pay only the employee share, if any.
- For longer periods, the employer is permitted to charge you up to 102% of the entire premium.
- You will still receive Military TRICARE for your family











- Information, counseling and informal mediation service
- Assist employers in understanding and applying the USERRA law
- Assist Reservists & Guardsmen understand their rights under USERRA law







### How to Get Ombudsman Help



- 1. Use your "chain of command"
- 2. Contact your local ESGR Volunteer
- 3. Contact the Colorado ESGR at: (720) 250-1176
- 4. Contact the ESGR's National HQ at:

<u>1-800-336-4590</u>



# Military Outreach

- Educate and assist local Guard & Reserve Units
- Volunteers assigned to each unit statewide
- Provide training and information about USERRA and ESGR programs and services.











- Help to educate employers
- Recognize employers through ESGR Awards
- YOU recommend- Patriot & Freedom awards





## Patriot Award



#### Most popular award given to supportive employers of the Guard and Reserve Service Member



#### Submitted by service member or spouse

Given to Employers who:

- Demonstrate support for service in the National Guard and Reserve
- Publicly acknowledges contributions of RC employees to our Nation's defense
- Supports Guard & Reserve employees beyond USERRA requirements
- Supports Guard & Reserve employee families during mobilizations





- Know YOU ARE PROTECTED by USERRA
- <u>Communicate</u> with your employer as soon as you know:
  - your training schedule
  - Other demands that will take you away from work (schools, conferences, deployments)
- <u>Recognize</u> outstanding support (Awards)









## Unemployed? Underemployed? Just want a new job?

• Go to: eBenefits Veterans Employment Center (formerly H2H)

https://www.ebenefits.va.gov/ebenefits/jobs

• Or call the Employment Coordinator: (720) 250-1188



### We ALL Serve

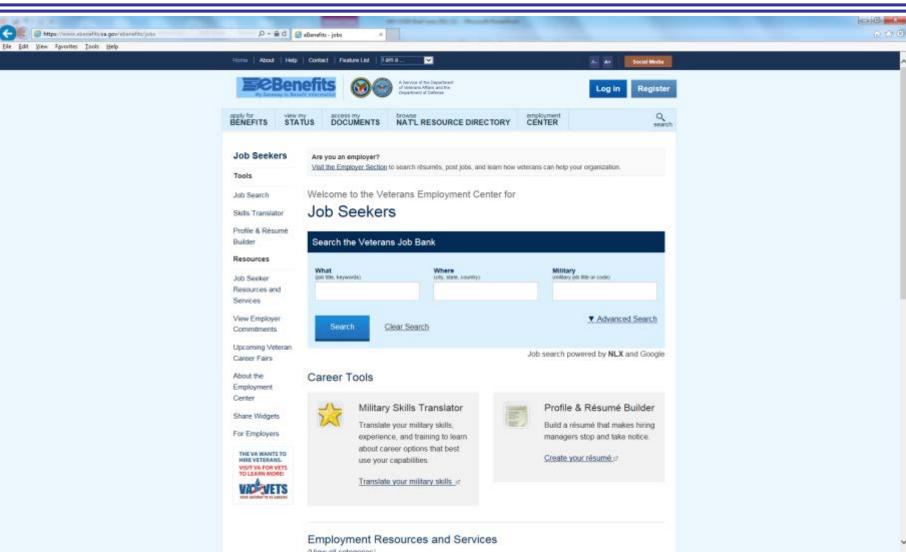






#### eBenefits Veterans Employment Center







## **Boss Lifts**





### An incredible opportunity for your employer to see what you do in the military







# Why ESGR



- 1% of our population is in the Armed Services
- Reserve Component (Guard and Reserve) involved in every conflict since 1636 to today
- Reserve and Guard are busy! must train 39 days (12 weekends/yr, 15 Annual Trng days) minimum
- Deployment, activation, mobilization is likely
- Employers need to understand your perspective
- You need to understand your employer's perspective
- ESGR helps you both





### eBenefits

### Veterans Employment Center



#### Job Seeker Resources:

□ Military Skills Translator: Translate military occupational codes into their civilian skill equivalents and learn about related civilian career paths.

□ Profile Builder: Seamlessly import results from the skills translator into an online profile that users can download or publish to employers on the VEC. Publishing your profile on the VEC instantly connects users to thousands of employers looking to hire Veterans.

□ Veterans Job Bank (VJB): The VJB allows users to search over 1.2 million jobs from the private sector and includes jobs in federal, state and local governments.

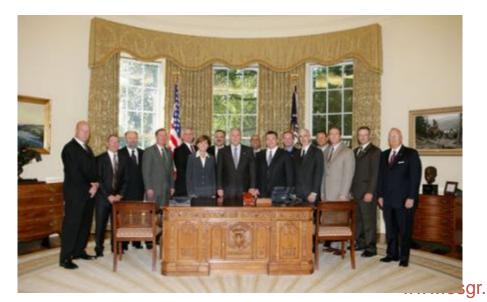
For a video on how to use VEC, please visit <a href="http://www.youtube.com/watch?v=VWfhI-eSoWk">www.youtube.com/watch?v=VWfhI-eSoWk</a>





- Secretary of Defense Employer Support Freedom Award
- Highest employer recognition by US Government
- Current year 3,202 nominations

JGMS, from Colorado Springs a 2014 Winner!









- Leadership training
- Serves Community and Country
- Ability to work as a Team Member/Leader
- Ability to get along and work with ALL types of people
- Ability to work under pressure and meet deadlines
- Ability to give and follow directions
- Drug Free
- Security Clearances
- Safety Focused
- Flexible/Adaptable
- Educated
- Initiative
- Work Ethic
- Global Outlook
- Client & Service oriented

