



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 awareness of applicable laws, and resolves employer conflicts between the Service members and their employers.



WHAT IS ESGR?



- 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**





5 - Year Clause Exceptions



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
7. Some MOS's require obligations more than 5 years



Before Deployment



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!





After Deployment



- **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



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Time and Benefits



- 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



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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



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Ombudsman Services



- 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:
1-800-336-4590



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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.





Employer Outreach



- 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**



Today's Key Take-Aways



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



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Help you find JOB



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





Military Population in Colorado



- Army Nat'l Guard 3,954
- Army Reserve 2,872
- Air Force Reserve 2,625
- Air Nat'l Guard 1,604
- Navy Reserve 926
- Marine Corp Reserve 418
- Coast Guard Reserve 18
- **Total Military Population 13,339**



eBenefits Veterans Employment Center



Screenshot of the eBenefits Veterans Employment Center website interface.

Header: eBenefits logo, "My Pathway to Service Connection", and navigation links (Home, About, Help, Contact, Feature List, Sign In, Social Media).

Navigation Bar: apply for BENEFITS, view my STATUS, access my DOCUMENTS, browse NAT'L RESOURCE DIRECTORY, employment CENTER, search.

Job Seekers Section:

- Are you an employer?** Visit the Employer Section to search résumés, post jobs, and learn how veterans can help your organization.
- Welcome to the Veterans Employment Center for Job Seekers**
- Search the Veterans Job Bank**
- Search Form:**
 - What:** (job title, keywords)
 - Where:** (city, state, country)
 - Military:** (military job title or code)
 - Buttons:** Search, Clear Search, Advanced Search
- Job search powered by NLX and Google**

Career Tools Section:

- Military Skills Translator:** Translate your military skills, experience, and training to learn about career options that best use your capabilities. [Translate your military skills](#)
- Profile & Résumé Builder:** Build a résumé that makes hiring managers stop and take notice. [Create your résumé](#)

Employment Resources and Services

Footer: THE VA WANTS TO HIRE VETERANS. VISIT VA FOR VETS TO LEARN MORE! **VA FOR VETS** (with National VA Seal)



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
www.youtube.com/watch?v=VWfhI-eSoWk



Freedom Award



- 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!**





The Value of a Veteran



- 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

