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Is Harassment a Cognizable Claim under USERRA?

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I frequently hear complaints from Reserve Component personnel about “harassment” at work related to their military activities and obligations. For example, “every month, when I tell the boss that I need a weekend off for my Army Reserve training, he gives me a lot of grief about this—‘do you want to work for this company, or do you want to play soldier?’”

I have found two cases holding that section 4311 of the Uniformed Services Employment and Reemployment Rights Act (USERRA) forbids such harassment. Those cases are *Vickers v. City of Memphis*, 368 F. Supp. 2d 842 (W.D. Tenn. 2005) and *Petersen v. Department of Interior*, 71 MSPR 227 (Merit Systems Protection Board 1996).

You should not have to face a hostile environment at work, from supervisors or colleagues, because of your service in the National Guard or Reserve. But, don’t “make a federal case” out of a single expression of irritation about your military activities and the problems those activities may cause for your employer. If you have this sort of problem, I suggest you contact the National Committee for Employer Support of the Guard and Reserve (ESGR) at 1-800-336-4590.

ESGR is the Department of Defense organization established in 1972 to assist Reserve Component personnel with exactly this sort of problem. An ESGR volunteer can assist you in resolving these issues with your employer or supervisor in an informal and non-confrontational manner. Don’t wait—call ESGR today, before the problem gets worse.

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