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Federal Government Considered 'Model Employer' under USERRA

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CATEGORY: Enforcement

The very first section of the Uniformed Services Employment and Reemployment Rights Act (USERRA) expresses the "sense of Congress that the federal government should be a model employer in carrying out the provisions of this chapter" (38 U.S.C. 4301(b)).

The point is that "do as I say, not as I do" is a losing argument. If the federal government is requiring other employers to permit employees to serve in the National Guard and Reserve, to reemploy them when they return from voluntary or involuntary military training or service, and to refrain from discriminating against them in initial employment and in retention in employment and promotions and benefits, then the federal government itself must do at least as much for its own employees.

In 1972, when Congress abolished the draft and instituted the all-volunteer military, the Department of Defense established an organization called the National Committee for Employer Support of the Guard and Reserve (ESGR). ESGR's mission is to gain and maintain the support of all public sector and private sector employers for the men and women of the National Guard and Reserve. The public sector includes the federal government, as well as state and local governments.

For more than three decades, ESGR has asked employers to sign its "Statement of Support"-a public commitment by the employer to support employees and potential employees who are members of the Reserve Components. In recent years, ESGR has put a priority on the federal government, as the civilian employer of more than 10 percent of all National Guard and Reserve members. All cabinet secretaries and the heads of many independent agencies have signed the Statement of Support. ESGR has excellent working relationships with other federal government agencies, and it uses those relationships to help National Guard and Reserve members resolve employer problems as they arise.

If you are having a problem with any employer (federal, state, local, or private sector) related to your service in the National Guard or Reserve, I suggest you contact ESGR for advice and assistance. Call 1-800-336-4590 or DSN 426-1386. The ESGR website is www.esgr.mil.