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USERRA Overrides State Hiring Freeze**

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I have heard from two ROA members who are employees of the state of California and who are presently on active duty. They are concerned about their re-employment rights because the state is currently running a \$38 billion deficit. The California Department of Finance (DOF) issued a budget letter about the abolishment of vacant positions. Positions that have been vacant for more than six months are deemed to have been abolished and will not be filled.

MG Paul Monroe, ARNG, adjutant general of California, has advised that his department had 44 vacant civilian positions, 22 of which were held by National Guard members who had been called to active duty. General Monroe advised the DOF of that fact, and also that federal and state law entitles those 22 recalled National Guard members to return to their civilian jobs after release from active duty. The DOF agreed that the 22 employees could return to their jobs, despite the hiring freeze.

General Monroe has advised that the DOF has no way of knowing which state positions are vacant because an employee is on active duty and which are vacant for other reasons. He has advised that it is incumbent on each state agency to advise the DOF which vacant positions are encumbered by deployed service members. We at ROA are monitoring this situation to ensure that the state budget problem does not interfere with the timely reinstatement of returning veterans. They should certainly be back on the payroll within 30 days after applying for re-employment. ROA

*Military title used for purposes of identification only. The views expressed in these articles are the personal views of the author and are not necessarily the views of the Department of the Navy, the Department of Defense, the Department of Defense or the U.S. government.