EMPLOYER SUPPORT OF THE GUARD AND RESERVE
TIPS FOR GUARD AND RESERVE SERVICE MEMBERS

Many employment challenges can be avoided by being candid with your employer about your obligations as a member of one of the Reserve Components. Don't take your employer's support for granted!

Here are some tips on how to keep your supervisor informed:

Talk to Your Employer: Tell your employer about your military assignment and skills you have gained in the military. Many people hold military jobs that relate directly to their civilian careers.

Federal Law: Know your rights and responsibilities as outlined by Federal law in the Uniformed Services Employment and Reemployment Rights Act (USERRA). The law guarantees the right to take time off from work to meet your military responsibilities. If you, your supervisor and your personnel office are familiar with USERRA, potential misunderstandings can be minimized. ESGR is a free resource that can help you understand your rights and responsibilities under USERRA, and assist your employer with USERRA compliance.

Annual Training and Drill Schedules: Keep your supervisor informed about your Guard or Reserve duties. The earlier you provide your supervisor with drill schedules, annual training plans and any extra time-off requirements, the more smoothly things will go. Remember you must give your employer advance notice of any military service whenever possible; it is recommended that this be done in writing. Giving employers the maximum lead-time enables them to plan for your absence.

Non-Training Active Duty: Many Reserve Component members perform tours of active duty that are not for training. This can range from short active duty tours and support exercises to years of active duty. Under USERRA, prior notice of military duty must be given to your employer. Military duty in this category is generally subject to a cumulative 5-year time limit under USERRA. After being absent for five years you may no longer have reemployment rights with your employer.

Emergency/Contingency Duty: As a Reserve Component member, if you are activated involuntarily for war or a national emergency, your period of service will not count against the cumulative 5-year limit established under USERRA. In most cases, voluntary duty is also exempt from the 5-year limit if it is in direct support of a contingency operation.

Scheduling: If you miss work while performing military service, your employer is not obligated to reschedule you to make up the time lost. However, if employees who miss work for non-military reasons are afforded opportunities to make up the time lost, you must be treated in the same manner. Further, you cannot be required to find replacement workers for shifts you miss during the performance of military service.

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Vacation and Accrual: Federal law allows you the option to use earned vacation while performing military service, but you cannot be required to do so. The only case where you could be required to use your vacation would be if your company has a planned shutdown period when everyone must take vacation, and your military service coincides with that period of time. Your employer is not required to provide for vacation accrual while you are absent from work performing military service, unless accrual is permitted for employees on nonmilitary leave of absence of similar length and situation.

Pay: Although some private and many government employers provide full or partial civilian pay to employees absent on military duty, the law requires only an unpaid leave of absence be provided by the employer. Federal employees are entitled to time off at full pay for certain types of active or inactive duty in the Guard or Reserve. More information is available from the Office of Personnel Management site at **www.OPM.gov**.

Reward Your Supervisor: Show appreciation for supportive employers by nominating your supervisor for a Patriot Award. It's a free and easy way to say thanks. The Department of Defense will send your supervisor a personally prepared certificate of appreciation if you, the Guard or Reserve member, simply nominate them for the award. The certificate comes mounted in a folder, bearing a gold embossed Department of Defense seal. Take time to "brag" about your supervisor today! Visit **www.ESGR.mil/PA** to nominate your employer.

USERRA QUESTIONS?
Our customer service center is operational from 8am to 6pm Eastern Time, Monday through Friday, to provide answers to USERRA questions, or refer cases to a trained ombudsman.

Call our customer service center toll-free at 1-800-336-4590.
Questions may also be answered at **www.ESGR.mil**.

ESGR DEVELOPS AND PROMOTES A CULTURE IN
WHICH ALL AMERICAN EMPLOYERS
SUPPORT AND VALUE
THE MILITARY SERVICE OF THEIR EMPLOYEES.