EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Introduction

A MEMBER OF THE GUARD & RESERVE SUPPORT NETWORK

ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

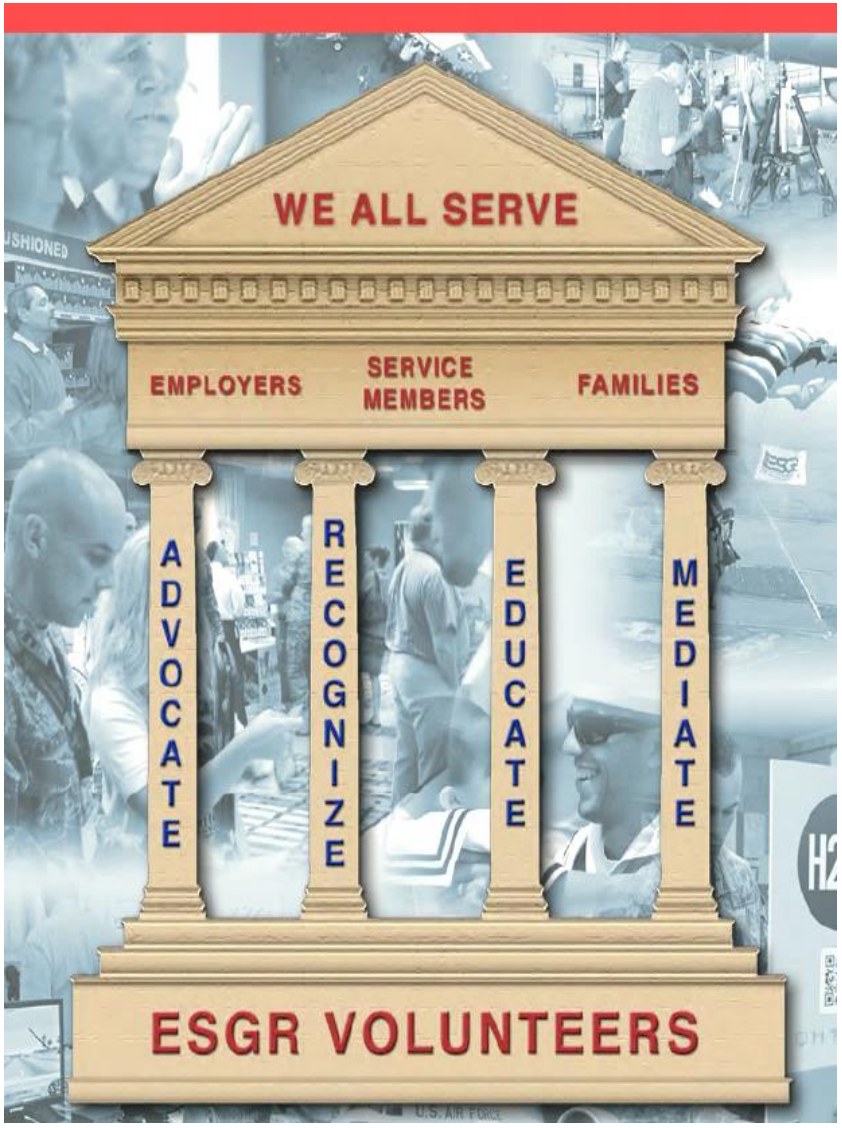
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support™

www.ESGR.mil

What is Employer Support of the Guard & Reserve (ESGR)

- **A Department of Defense Volunteer Organization**
- **Established by Secretary of Defense in 1972 (end of draft)**
- **Over 3,300 Citizen-Volunteers*, 54 State Committees**

Updated: 26APR2021

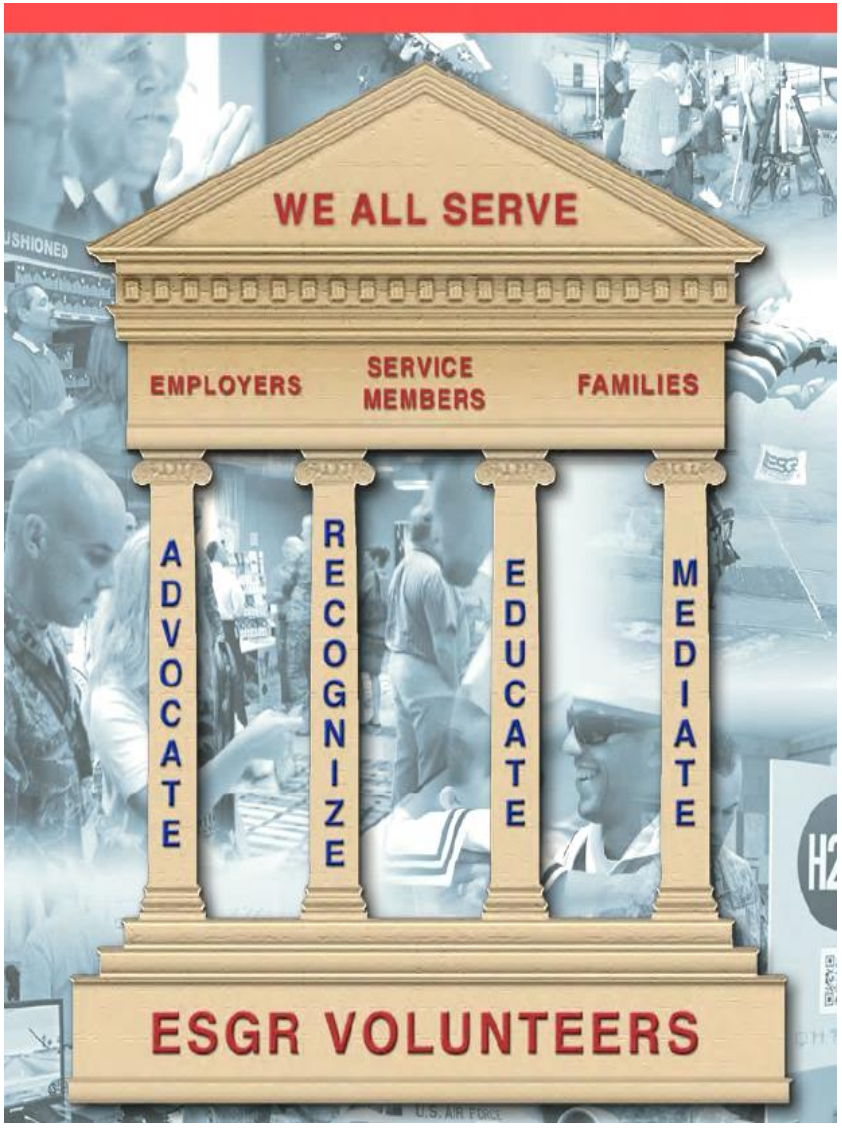


EMPLOYER OUTREACH

Promote a culture where employers support and value military service, and educate them of their responsibilities under the law

MILITARY OUTREACH

Ensure Service Members are aware of their rights and responsibilities under the law as well as recognize outstanding employer support for Service Members



EMPLOYMENT

Advocate and promote the hiring of our Guard and Reserves

OMBUDSMAN

Mediate issues or conflicts between employers and Service Members before they escalate

WE ARE:

"Volunteer Led, Mission Driven."

Committee Leadership

State Chair	Mr. Rey Llaneta, LTC USA (Ret)
Vice Chair	Benny Paulino, MG USA (Ret)
Chair Emeritus	Mr. Donald Clark
CNMI Area Chair	Dr. Rita Sablan
Ombudsman Director	Mr. David Sablan
Military Outreach	Mr. Gerard Damian, CCM USAF (Ret)
Employer Outreach	Mr. Donald Clark
Training	Ms. Dina San Nicolas
Public Affairs	Ms. Deborah Weger

18 Volunteers - 2 Full-time Support Staff - 1 Augmentee

Vision

Develop and promote a culture in which all American employers support and value the military service of their employees

Mission

Develop and promote Employer Support for Guard and Reserve Members by *ADVOCATING* relevant initiatives, *RECOGNIZING* outstanding support, *INCREASING AWARENESS* of applicable laws, and *RESOLVING CONFLICTS* between employers and service member

Guard & Reserve Components

Strength

- 1/3 of the Total Force (Active, Guard and Reserves)
- Increased demand for Operational Support
- Over 948,320 activated or deployed since 9-11

Readiness

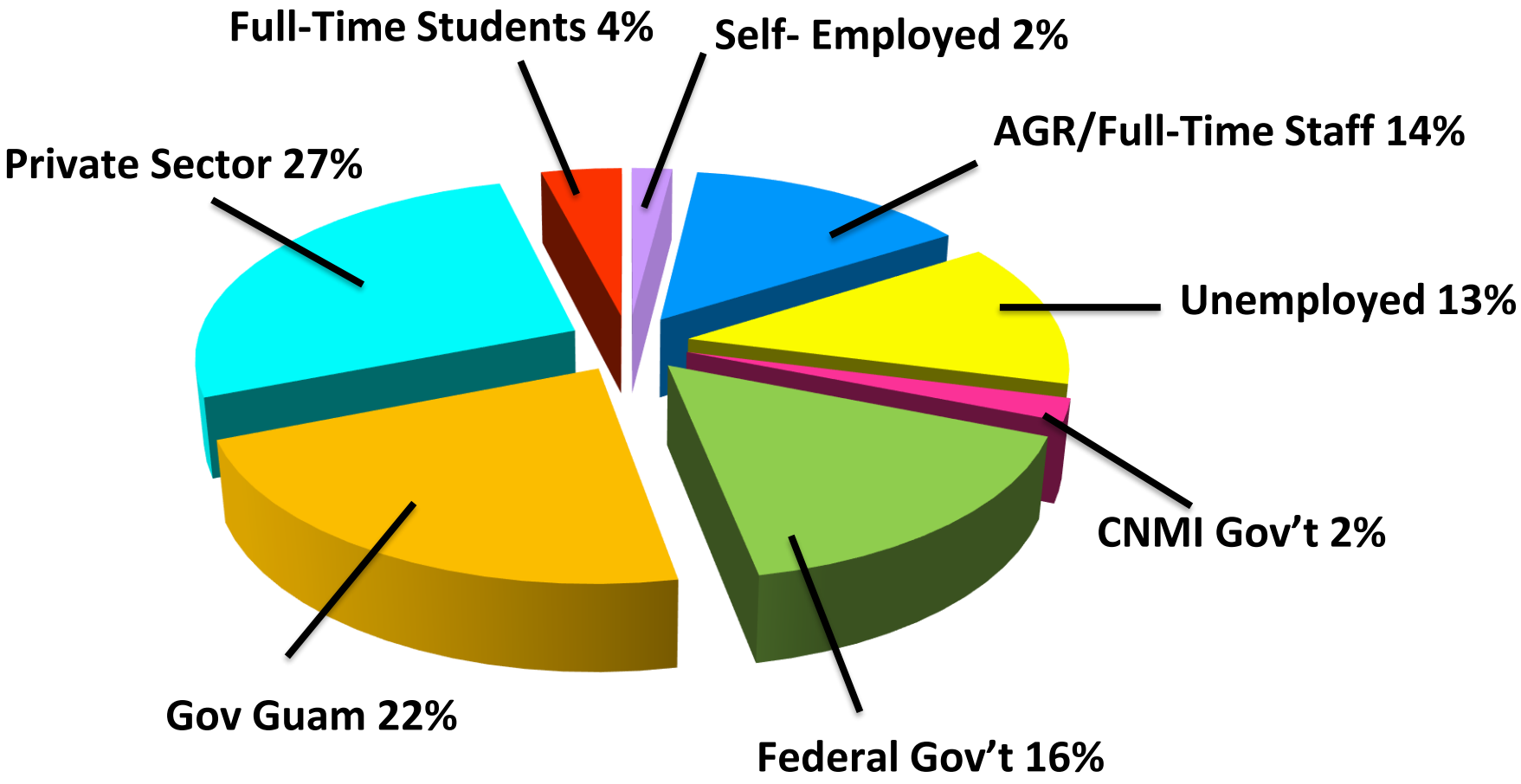
- Perform Full Spectrum of Military Operations
- Peacekeeping, Homeland Security, Domestic Disaster Response
- Critical component of the Total Force

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Who Do We Serve?

- Guam Army National Guard
- U.S. Army Reserve
- U.S. Navy Reserve
- Guam Air National Guard
- U.S. Air Force Reserve
- U.S. Coast Guard Reserve

Where are Service Members Employed?



Updated: DEC2020

Value of Guard & Reserve Members

To the Taxpayer

- 1/3 the cost of active duty
- Civil Support
- Homeland Defense

To the Employer

- Technical training
- Organizational skills
- Leadership experience
- Professional Development
- Self discipline
- Physically fit
- Drug free

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Employment Support Program *for*

The Employment Support Program (ESP)

develops and promotes supportive work environments for service members in the Army and Air National Guard. The Employment Support Program serves as a network to provide employment opportunities, educational resources and career options, while working with the Employer Support of the Guard and Reserve (ESGR). The Employment Support Program provides employment assistance through partnerships with local, state or national agencies and employers who support career ready service members.

For the Employer

- ✓ Participation in job fairs and hiring events for NG members.
- ✓ Liason between service member and employer by promoting civiliian job announcements.
- ✓ Provide tools and information to meet the unique talents and skill sets National Guard service members bring to the civillian workforce.

Point of Contact

Program Specialist
National Guard Employment Support Program
Amyx, Inc. Guam Contract
430 Army Drive, Bldg 300, Barrigada, Guam 96913
Phone: (671) 344-1287 | Email: angel.gung.esp@gmail.com

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR Yellow Ribbon Reintegration Program

Patriot Award

Initiated by Reserve Component Members or Spouses

Employer Recognition

Awarded to Employers of Service Member Employees or their Spouse

A MEMBER OF THE GUARD & RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Most Supportive Employer

Awarded to Outstanding Most Supportive Employers

Above & Beyond Award

Awarded to Outstanding Employers who Demonstrate Above and Beyond Support

Pro Patria Award

Highest award presented to only
3 Employers in State or Territory annually

Secretary of Defense Employer Support Freedom Award

- **The Highest National Award given to an employer**
- **15 employers in the nation are presented this prestigious award each year**

Freedom Award National Finalist

In 2014, Judiciary of Guam was selected as one of the 30 National Finalist out of 2,685 nominations.

In 2008, Alpha Insurers was one of 35 National Finalist out of 3,200 nominations.

Bosslift

- **Employers see Guard and Reserve Members in action**
- **Employers witness valuable training**
- **Employers gain appreciation of the military mission**
- **Positive public relations**

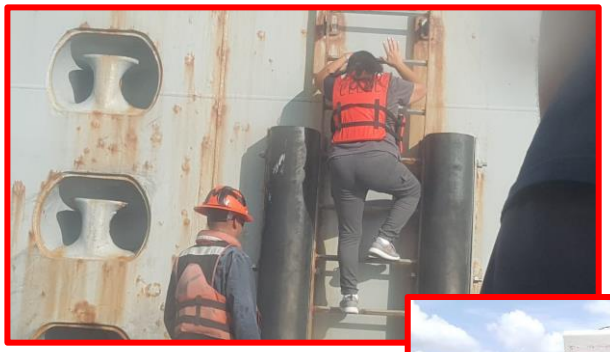
Army National Guard
Field Training Exercises (FTX)

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Air National Guard Refueling Mission

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Military Sealift Command
USNS Soderman

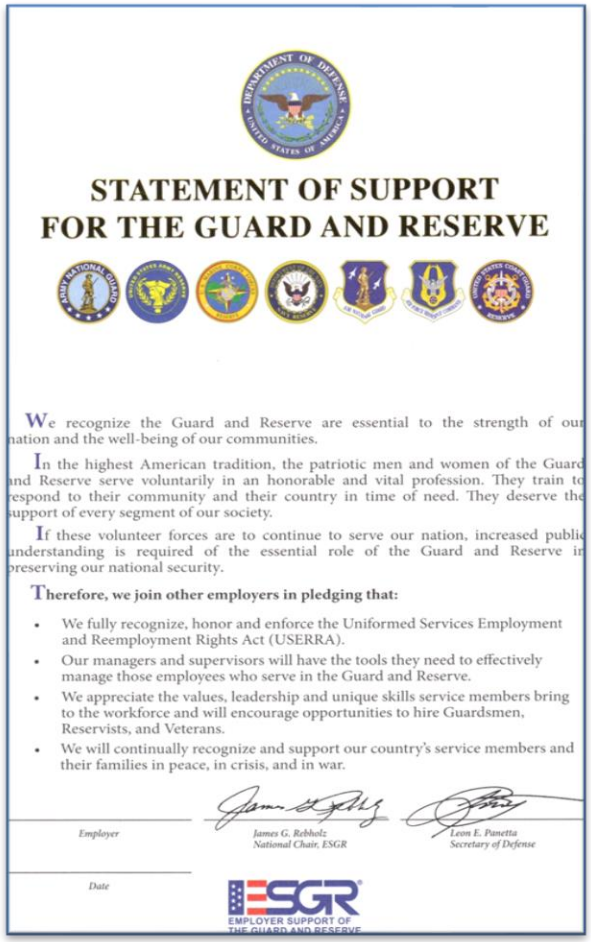


A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

USS Texas (SSN-775) Submarine

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Statement of Support Signing



STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

We recognize the Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

Therefore, we join other employers in pledging that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills service members bring to the workforce and will encourage opportunities to hire Guardsmen, Reservists, and Veterans.
- We will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

Employer — *James G. Rebholz, National Chair, ESGR* — *Leon E. Panetta, Secretary of Defense*

Date

ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

We All Serve

www.ESGR.mil
www.Facebook.com/GoESGR
www.Twitter.com/ESGR
www.YouTube.com/EmployerSupport
www.Linkedin.....ESGRGroup

USERRA

Uniformed Services Employment and Reemployment Rights Act

38 U.S.C. 4301-4334

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

USERRA

Became law in 1994 (Updated Version of Service Members Job Protection Laws That Date Back to WWII)

Encourages All-Volunteer Uniformed Service

Prohibits Discrimination Against Those Who Serve or Have Served in the Armed Force

Applies to Voluntary As Well As Involuntary Service

U.S. SUPREME COURT RULING

Courts have followed the Supreme Court's admonition that: *"This legislation is to be liberally construed for the benefit of those who left private life to serve their country. . ."*

[Fishgold v. Sullivan Drydock and Repair Corporation (1946)]

APPLICABILITY TO EMPLOYERS

Applies to Federal Government, state and local governments, and private employers regardless of size

Applies to all employers in U.S. *except* foreign embassies and international organizations (ex. NATO), Indian tribes, and religious institutions

RELATION TO OTHER LAWS, POLICIES & PRACTICES

USERRA Does Not Supersede Other Provisions That Provide Greater or Additional Rights (ex. FMLA, company policies)

USERRA Does Supersede Other Provisions That Restrict The Reserve Member's Rights

USERRA is the "Floor, Not the Ceiling"

ELIGIBILITY CRITERIA

“The Six Gates”

LEAVING EMPLOYMENT

GATE 1

MUST BE AN EMPLOYEE

Need not be "Permanent" or "Regular" Job

Job Offers are Protected

GATE 2

LEAVE FOR MILITARY SERVICE

Voluntary or Involuntary

PRIOR NOTICE

GATE 3

MUST GIVE PRIOR NOTICE

Verbal Notice is Fine – Written is Better

An *Appropriate Officer* Can Give Notice

Not Required if Precluded by Military Necessity; or Impossible

Notice Can Be Last Minute…Literally

DoDI 1205.12 – DoD *"Strongly"* Encourages Advance Notice *in Writing*

FIVE-YEAR LIMIT

GATE 4

SERVICE MUST NOT EXCEED A CUMULATIVE PERIOD OF FIVE YEARS

Cumulative with Current Employer

New Employer: New 5-Year Limit

Actual Period of Military Service, *Not Time Absent From Work*

Exemptions from 5-Year Limit:

Involuntary Call-up, Volunteer for Critical Mission; War

HONORABLE DISCHARGE CONDITIONS

GATE 5

EMPLOYEE MUST BE HONORABLY DISCHARGED or GENERALLY DISCHARGED

Type of discharge noted on official discharge papers (DD-214)

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

RETURNING TO WORK

GATE 6

RETURN TO WORK IN A TIMELY MANNER

< 31 Days: Report Next Day; Allowing for Safe Return To Home + 8 Hrs. Rest

> 31-180 Days: Report Within 14 Days of Discharge Date on Form DD-214

> 180 Days: Report Within 90 Days of Discharge Date on DD-214

+ 2 Years: if Injured, Hospitalization/Convalescence

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

ENTITLEMENTS

PROMPT REINSTATEMENT

If Service Was 30 Days or Less: Immediate Reinstatement

Over 30 Days: Prompt Reinstatement – “Within 14 days”

Cannot Make Service Member Wait for a Vacancy, “Red Tape” Paperwork or Budget Approval

CONTINUOUS SENIORITY

Escalator Principle: Return to position service member would have attained if he or she had not left for military service

Seniority: Time in military service added to employee's record to maintain seniority ranking in company

Benefits: Same Privileges, Pension Plan, Discretionary Bonuses, Vacation Rate

NO CHANGE OF STATUS

Responsibilities, Location, Hours of Employment, Opportunity for Promotion, etc.

Service Member's Status Should Be What He or She Would Have Achieved if Continuously Employed, and Not Gone for Military Service

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

TRAINING

Entitled to Training Service Member Would Have Received if He or She Had Been Continuously Employed

DISABILITY

Employer Must Make Reasonable Accommodations for Disabled Veteran - Changes in Equipment, Work Methods, etc.

Alternatively…Right to Another Job within Company or Organization

HEALTH PLAN REINSTATEMENT

Immediate Reinstatement of Coverage Upon Reemployment

No Waiting Period

No Consideration of “Pre-existing Conditions”

Binding on Employer and Insurance Company

CHAIN OF ASSISTANCE & ENFORCEMENT

Unit Representative/Chain of Command

ESGR Office/Ombudsman Service

U.S. Department of Labor – VETS Office

Can Conduct Formal Investigation

US Department of Justice or Office of Special Counsel

Private Counsel

Expense for Service Member, unless Court deems otherwise, if Service Member prevails

Employer Assistance

- Employers have the right to request verification of service, regardless of duration (DoDI 1205.12)
- Employers have the right to voice concerns over the timing, frequency and duration of uniformed service to an appropriate military authority (DoDI 1205.12)
- Military authorities are directed to consider written requests from employers to adjust absences (DoDI 1205.12)
  - Unless prevented by military necessity
  - Unless unreasonable or impossible under circumstances
- Designated representative defined as commander or officer in charge with “military authority to delay, defer, cancel, or reschedule military service” (DoDI 1205.12)*

USERRA Working Group

- Deputy Assistant Secretary of Defense, Reserve Integration
- Review USERRA policy/legislation in today's environment
- Military Departments, Reserve Components & Department of Labor
- Initially addressed gaps in employer assistance:
  - Voice concerns regarding timing, frequency and duration
  - Provide verification of Service, regardless of duration
  - Determine exemption status, calculate 5-year timelines
- Establish persistent Reserve Component POCs
- Clarify what periods of service are exempt (Service policy memo)
  - Statutory vs Secretarial authority
  - Ex: U.S.C. 12302 versus "critical mission or requirement"

Exemptions from 5-yr Limit

- Determining 5-yr cumulative totals can be difficult
  - Statutory authorities (10 U.S.C. §12302, 12304, etc.)
  - Service Secretary exemptions based on critical mission/requirement (outlined in policy memorandum)
  - Orders have not consistently/correctly stated exemptions

- USERRA Working Group establishing processes to adjudicate
  - Collaborative effort with ESGR, Reserve Components, Military Departments and the Department of Labor

- RC orders/order writing systems being updated to include:
  - Exemption status and correct, legal verbiage
  - Unit/Reserve Component POC to assist employers*

Assistance

For Queries

ESGR Guam-CNMI Office (671) 344-1282 | 344-1283
Email: esgr.guamcnmi@gmail.com
Office Location: Guam National Guard, BRC Bldg 350

ESGR Staff:

Angel Vibar	**ESGR VST**
1LT Ryan Arellano	**ESGR MIL-TECH**
Dr. Rita Sablan	**CNMI Area Chair**

For Information

https://www.esgr.mil/ 1-800-336-4590 Option 1

https://www.facebook.com/ESGRGuam-CNMI

esgr.guamcnmi

A MEMBER OF THE GUARD&RESERVE SUPPORT NETWORK
ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Yellow Ribbon Reintegration Program
For Those Who Serve and Those Who Support

Questions?

Serving Our Nation - Together

Thank You!