

California Perspective on Employer Fatigue with Army National Guard & Reserve Mobilization Policies

White Paper by Andrew C. Wiktorowicz P.E.

After more than 13 years of war, and many National Guard and Reserve (NG&R) unit deployments, it has been suggested that employers are tired of bearing the burdens associated with these demands. I would like to address this issue from the California perspective. California Employer Support of the Guard and Reserve (ESGR) represents more than 58,000 NG&R personnel, in more than 1,700 units, with more than 15,000 employers and 178 volunteers. California is the largest state committee in ESGR.

The Uniformed Services Employment and Reemployment Act (USERRA) requires employers to support their NG&R employees in the following manner:

- Provide time off for monthly drills and annual training
- Hold employees' jobs open for their return from deployments
- Provide appropriate benefits on their return from deployments
- Other requirements as stipulated in the USERRA regulations to ensure employees do not lose position with their employers due to their military service.

1. ESGR Role with Employers:

ESGR is a Department of Defense office founded in 1972 to foster a culture of cooperation between employers and the uniformed services. ESGR is formed into 54 local committees (50 states and territories) with more than 4,600 volunteers who undertake this mission every day.

Employer Awards:

As a part of ESGR's mission, employers receive awards based on nominations from their NG&R employees. These awards range from those for the corporation (Seven Seals, Above and Beyond, and Pro Patria) down to those for direct supervisors (My Boss is a Patriot). The awards are presented by local ESGR volunteers and the nominator; this is usually performed in ceremonies at the employers' facilities.

Employer Statements of Support:

ESGR volunteers are charged with contacting employers regularly to have them sign and display the Statement of Support for their NG&R employees.

Ombudsman Services:

Each State Committee and the national ESGR headquarters maintain ombudsman services to resolve USERRA complaints generated by Service members who feel they have been dealt with unfairly by their employers. These ombudsmen are volunteer men and women specially trained to act as mediators (not advocates) for issues of conflict between employers and NG&R employees. In most cases, ombudsmen must contact the employer and employee within 72 hours of the complaint receipt. The objective is to amicably settle issues before they are sent to the Department of Labor then, ultimately, to the Department of Justice.

Employment Coordinators:

Each ESGR State Committee has paid staff employment coordinators (ECs) to assist unemployed NG&R personnel after deployment or assist with other employment issues. Working with our volunteers, these ECs engage employers daily seeking to place unemployed NG&R personnel. The ECs truly monitor and maintain the pulse of employers.

Secretary of Defense Employer Support Freedom Award:

Annually, ESGR awards the Secretary of Defense Employer Support Freedom Award, the highest recognition by the Department of Defense presented to employers. Every year, 15 employers (5 large businesses, 5 small businesses, and 5 public sector employers) are selected to receive this honor at a special event in Washington, DC. In several cases, this included a visit to the White House to accept congratulations from the President. The Freedom Award considers whether the employer provided differential pay to match the employee's salary during deployment, provided support to the employee's family as well as other extraordinary efforts to ease the employee and his family's service time. These are not requirements; however, it is a common characteristic of Freedom Award recipient.

2. Exploring the Employer Fatigue Issue:

If employers are, in fact, weary of supporting our military, local ESGR committees would likely be the first organizations to experience this slippage in their backing. ESGR is in regular (weekly, sometimes daily) contact with local employers as to their ongoing support. The following discussions are based on our experience with more than 58,000 NG&R personnel, in more than 1,700 units, working for more than 15,000 employers and 178 ESGR volunteers.

Complaints of Employer USERRA Violations:

The first place we would expect to see this indication would be an increase of complaints to our ombudsmen. Employers might show their resentment by denying USERRA rights to their NG&R employees. In fact, California USERRA complaints have gone down over the last six years from 351 in Fiscal Year (FY) 2009 to 132 in FY 2015. Case settlement is at more than 80% at the local level. This is extraordinary given the significant number of personnel returning from deployments back to the workplace. Based on this measure, we see no substantial evidence in California to support the fatigue argument.

Statements of Support Fatigue:

Another telling area would be a possible reduction in the California ESGR committee's ability to garner Statements of Support from our employers. California ESGR had 3,255 statements signed for FY 2014 versus 3,042 in FY 2010. Based on Statements of Support, we see no significant evidence in California to support the fatigue argument.

Employer Awards:

Another possible indication of employer fatigue would be a decline in nominations for employer awards by their employees in the last few years. The individual employee would be most affected by any such employer dissatisfaction. He/she would be less likely to nominate their employer for an award if there were underlying resentments. This would be evidenced by the "My Boss is a Patriot" award nominations given primarily to direct supervisors. California ESGR had 644 awards presented for FY 2014 versus 582 in FY 2013. Based on employer awards, we see no compelling evidence in California to support the fatigue argument.

Secretary of Defense Employer Support Freedom Award:

California employers have received 20 Employer Support Freedom Awards out of 205 presented nationally. Eleven Freedom Awards have been won by California in the last seven years.

During the nomination process, California receives more than 200 nominations annually. The national total is over 2,700 nominations annually for the Freedom Award. Clearly, based on Freedom Award nominations, we see no significant evidence to support the fatigue argument.

Employment Coordinators:

California Employment Coordinators develop close relationships with their employer counterparts. They assist in providing qualified personnel to the employer to fulfil their hiring requirements. Employers have found that military-trained employees bring highly desirable value systems (on time, drug free, team attitude, mission orientation, strong leadership skills, etc.) to the workplace. This attitude can affect their entire workforce in a positive manner, raising the overall organizational competence and efficiency. If employers were indeed fatigued, they would not be hiring additional NG&R personnel for open positions. We have not experienced any pushback in this area.

3. Personal Observations:

During my 6-year tenure as California State Chair, I have been fortunate to meet with numerous CEOs of large and small businesses, police and fire chiefs, sheriffs, and other employers' senior management. I, too, was concerned that after 13 years of war there would be less support for our vital NG&R Service members. So, of course, when face-to-face with these leaders, I asked the question: "Are you still willing and able to continue supporting our National Guard and Reserve forces?" All responses I received were an unqualified, "Yes." There was a sense of pride in those responses. Pride in contributing to our national defense. Thus leading me to the next question: "How can we help lighten this burden on your organization?" The messages I received were various forms of: "We could use a lot more notice on deployments." In my view, here is where we need to focus.

As the Iraq war wound down, our NG&R veterans were faced with a very large unemployment problem. This was manifested most by young men and women who joined the military right after Sept. 11, 2001, and right out of high school. These former Service members never worked for an employer to acquire those marketable skills they needed.

ESGR marshalled the forces necessary to create the Hero to Hired (H2H) program and its supporting Employment Coordinators (ECs) to assist in translating military skills (MOS) to employer needs. ECs assisted by developing employer contacts and working with individual NG&R members through a comprehensive case management system. This is a successful program met with enthusiastic support from employers with 1.7 million jobs listed on the website as of April 20, 2015. ECs' case management actions have produced 21,480 direct hires and recorded 276,602 indirect hires as provided by state and local partners.

When we asked the employers to help, they enthusiastically posted to the website and hired from it.

During this time we encouraged employers to focus on the positive aspects of the NG&R employees. Our mantra: "Hire for Values... Train for Skills..." struck a chord.

In thinking about this now, in the context of force reduction, I would like to provide food for thought: Given the educational efforts today, where can our young people develop their value systems better than training with the National Guard or Reserves?

The young men and women I met were full of purpose, energy, vitality, and a can-do attitude. As a bonus, we have a proven, trained, and ready military force to support us during national disasters and augment our military forces when called upon.

Based on my experiences, and those of our California State Committee, our employers, with very few exceptions, are quite willing to invest in the young Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen of tomorrow.

Sincerely,

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