

DoD Conducts First Major Post-9/11 Survey of Guard and Reserve Employers

By Mathew B. Tully

For the first time since the nation entered sustained military operations nearly a decade ago, the U.S. Department of Defense this month began its first large-scale, nationwide survey of the employers of Guard and Reserve members.

In an initiative that will likely shed light on employer attitudes toward the Reserve and Guard members who have frequently been called to active duty in Iraq or Afghanistan, the Defense Department will spend March and April conducting the survey. Earlier this month it sent out 80,000 surveys to randomly selected employers nationwide with the goal of identifying best practices in supporting employers of Guard and Reserve members and evaluating the effectiveness of the department's employer support program.

If this forthcoming survey is anything like the 1999 Reserve Employer Survey, it might show how well employers understand the protections afforded to Guard and Reserve members under laws such as the Uniformed Services Employment and Reemployment Rights Act.

The 1999 survey of 2,037 large and small employers found that half of them reported that service member absences over 14 days caused problems. Eighty percent of employers said they were affected by absences of over 30 days. Respondents said 70 percent of the time they were able to resolve these problems without involving an outside employer support mechanism. When announcing the survey's results in 2000, the Defense Department said it found a "fairly high degree of awareness" of laws protecting reservists' civilian jobs.

It is important to note that these statistics were reported before the September 11, 2001 terrorist attacks. With the 1.1 million members of the Guard and Reserve representing about half of the strength of a military now engaged in conflicts on two major fronts, relations between these civilian warriors and their employers have undoubtedly been strained. Regardless of what employers in this forthcoming survey say about how their businesses are impacted by employing Guard and Reserve members, USERRA protects them from discrimination based on their military service. Guard or Reserve members who believe their employment or reemployment rights have been violated should contact a military law attorney.

Mathew B. Tully is a Lieutenant Colonel in the New York Army National Guard and the founding partner of Tully Rinckey PLLC, a full-service law firm based in Albany, N.Y., with offices also in Washington D.C. He concentrates his practice on representing military personnel and federal government sector employees and can be reached at mtully@fedattorney.com

