

From Labor Force to Fighting Force

Jeff Cantor, a lieutenant colonel in the Army Reserve, left for the war in Afghanistan last week and made the transition from pharmaceutical sales representative to soldier.

The prospect of leaving his wife and two daughters was painful. But his employer, AstraZeneca, paid the difference in his salary and kept his health benefits while he was gone.

"That really impacts greatly on my ability to fight, knowing my family is going to be taken care of," said Cantor, 43, a Marlboro resident and the company's district sales manager.

Faced with a lengthy war and a troubled economy, the law that protects the jobs of reservists like Cantor is being tested.

Companies such as AstraZeneca, recognized last month by the Defense Department for its support of employees in the National Guard and Reserve, seem to take the absence in stride. But other employers, with pockets that are not as deep as AstraZeneca, sometimes aren't even aware reservists' jobs are protected, experts said.

"Most of the violations are nonintentional," said Mathew Tully, a Washington, D.C., attorney who specializes in the The Uniformed Services Employment and Reemployment Rights Act, or USERRA for short. "It's from people who don't realize there are laws out there to protect members of the military."

Cantor, a Marlboro councilman who works in military intelligence, left for Afghanistan to join the 82nd Airborne Division, marking the third time he has left his job for active duty. While his political future was the topic of heated debate, his career isn't.

He joined AstraZeneca in late 2000, only to be called up three months later to join a mission that helped stabilize Kosovo. He returned and worked for about two years before he was called up again, this time to Iraq.

Each time he approached his employer, he left reassured that his job would be waiting for him when he returned and his family — wife, Ava, and daughters Samantha, 12, and Nicole, 10 — would be taken care of while he was gone.

"It wasn't even, like, a hiccup or any delay or any sigh, 'Oh boy, you have to go again,' " Cantor said. "It's, like, 'You have to go, we support you.' For me, that's very reassuring." AstraZeneca, based in London with U.S. headquarters in Wilmington, Del., estimates it has 100 employees in the military out of a U.S. work force of 11,000.

Among the benefits: The company makes up the difference between employees' salaries and their military pay; it continues health benefits; it continues 401(k) contributions; and it created a military support network that gives the employees and families a place to turn for emotional support.

"At the risk of getting on a soap box, it reflects who we are as a company in terms of caring for and valuing our employees," said Marta Perez, vice president of human resources. "It can

be (expensive). It's a commitment we don't have to keep, but we do."

The law only requires companies to allow employees to participate in military service; reinstate them with the same seniority and health insurance; and provide training when they return. Employers are not required to pay workers when they are gone. And they treat benefits such as sick time and vacation time as they would any employee taking an unpaid leave of absence, said Tully, a partner at Tully Rinckey in Albany, N.Y.

It seems straightforward. But from fiscal 2004 to fiscal 2007 the U.S. Labor Department received 5,400 complaints from workers who said their employers violated the law.

A more recent example: The Justice Department in May filed a lawsuit alleging the Newark Public Schools failed to reinstate teacher George Lawton, a member of the Naval Reserve. Moreover, this is the first time since the law was passed in 1994 that employers have encountered a prolonged war and a devastating recession, Tully said, and that combination has created questions.

For example, an employer can lay off a worker away on duty if layoffs are based on seniority. But an employer takes a risk laying off a worker on active duty for any other reason, Tully said. AstraZeneca, with a profit of \$6.1 billion last year, is better positioned than most to absorb the loss. Still, Cantor's absence creates a void. The company is filling in for Cantor with another employee, likely for a year. And it will have to shuffle personnel again when he returns.

But company officials said it is a small price, given the sacrifice some of its employees make. "A lot of citizen soldiers have this feeling that, I really feel bad for what I'm doing," Cantor said. "They employ me. They give me a good life. And I work hard for them, but . . . in a way I kind of feel guilty I'm leaving the organization. But they say they support me."