



Tips for National Guard and Reserve Members

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Most 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 the boss on your side:

Talk to your boss. No matter what your military assignment or specialty, tell your employer about it. Many people hold down military jobs that relate directly to their civilian careers. Your boss would be pleased to know that your military training can enhance your civilian job skills.

Federal Law. Know your rights and responsibilities as outlined by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Federal law guarantees the right to take time off from work to meet your military responsibilities. The more that you, your boss, and your personnel office know about USERRA, the less chance for misunderstandings. ESGR is a free resource and can help you understand your rights and responsibilities governed by USERRA, and assist your employer with USERRA compliance.

Annual Training and Drill Schedules. Don't make your boss guess about your National Guard or Reserve duties. The earlier you inform your boss about drill schedules, annual training plans, and any extra time-off requirements, the easier things will go. Remember, when possible you must give your employer advance notice of any military service, including drills. Giving employers the maximum lead-time enables them to make plans to accommodate 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, support exercises, or years of active duty in the Active Guard Reserve (AGR). Under USERRA, prior notice of this type of duty must be given to your employer. Remember that most duty of this type is subject to a cumulative 5-year time limit after which you no longer have reemployment rights under USERRA with your employer.

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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 you perform 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 a replacement worker for the shift(s) you will miss as a condition of being given the time off by your employer to perform military service.

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.

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 National Guard or as a Reserve of the Armed Forces. More information is available from the Office of Personnel Management site at www.opm.gov.

Reward the Boss. Show appreciation for supportive employers by nominating your boss for a Patriot Award. It's free and an easy way to say thanks. The Department of Defense will send your boss a personally prepared certificate of appreciation if you, the National Guard or Reserve member, just apply for it. The certificate comes mounted in a handsome folder, bearing the DoD seal embossed in gold. Take time to do your best to "brag" about your boss. Visit www.esgr.mil to nominate your employer.