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POSITION PAPER

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VETERAN UNEMPLOYMENT THE IMPACT ON RESERVE AND NATIONAL GUARD

Requested Action:

- Update and enforce the Veterans Preference Act
- Re-examine the definition of veteran when it comes to employment legislation:
 - Extend veterans preference to those Reserve Component members who is currently serving, or has completed 20 years of service in good standing.
 - The qualifying document for employers under hiring programs should be a Department of Defense (DoD) Form 214.
 - If a definition of 180 days of service must be included in legislation, it should be “accumulative” rather than “consecutive”.
 - Support the issuance of a DD-214R to Reserve Component members to accumulate periods of active duty.
- Continue to incentivize employers to hire Reserve and National Guard members
- Strengthen the Uniform Services Employment and Reemployment Rights Act.
- Amend the Servicemembers’ Civil Relief Act (SCRA)

Discussion:

Unemployment for veterans has been outrageously high, especially for those who have recently returned from overseas contingencies. According to Dept of Labor December numbers unemployment rate for:

- 18 to 24 year olds has been as high as 36 percent
- 25 to 29 year olds unemployment is over 13 percent.

This group is almost entirely made up of Reserve and National Guard members who either are affiliated with the Reserve Component, or have left Active Duty and are placed in the Individual Ready Reserve.

The dual status of veteran and serving member complicates the employment of Guard and Reserve members returning from mobilization. They face returning to communities that don’t have the same support structure that is available if they were near military bases. High numbers of them have been unable to find reemployment during this war and economic recession.

Notwithstanding the protections afforded veterans and service members and anti-discrimination laws, it is not unusual for members to lose their jobs due to time spent away while deployed. Some Army National Guard units returned with employment levels above 35 percent. DoD plans to continue to use the Reserve Force operationally with potential call-up once every five years.

ROA fears that the unemployment rate is so high because employers are shying away from hiring potential employees who are serving in the Reserve Components. Three surveys show that between 60 to 70 percent of employers won’t hire new employees who are affiliated with the Reserve and the Guard.

DoD doesn’t want to admit this, but as most of American businesses are small companies, it is easier to hire a non-affiliated veteran than one who may be called up again onto active duty in the future.

ROA sees the trend of veteran unemployment as an ongoing problem. Even when the overseas

contingency operations end, the Reserve Chiefs and the Secretary of Defense will continue to seek call-ups of the Guard and Reserve under assured access in order to maintain an operational Reserve. Employers will be less sympathetic to losing employees during times of apparent peace.

If a minimum number of days of service is required by Congress to qualify for legislated employment programs or incentives, Reserve Component members should receive an accumulated credit for any active duty performed for a period of 30 or more days, as often “active duty for training” or “active duty special work” orders are utilized in lieu of mobilization or recall even though the member is supporting contingency operations, which enables the services to draw upon other funding.

Background:

The Reserve Officers Association’s (ROA) established the Service Members Law Center as a center of excellence in the areas of employment law for Active, Reserve and National Guard personnel. ROA’s Service Members Law Center is receiving over 500 contacts each month from concerned Active and Reserve Component members facing employment or reemployment problems.

While the National Committee for Employer Support of the Guard and Reserve has done a commendable job in the past, ROA is concerned that it has shifted its focus from working to help the individual serving member to recognizing Patriot employers.

ESGR (Employer Support of the Guard and Reserve) is tasked with being the first bridge-gap to moderate the unemployment problem. With over 4,900 volunteers, ESGR fielded 21,521 USERRA inquiries and handled 2,793 cases in FY-2012, a 3 percent decline in inquires. If ESGR can’t resolve differences between the employer and the Reservist, then the cases are sent to the Department of Labor for review, and the Department of Labor can’t handle the number of requests as formal cases. Most reemployment lawsuits are being handled by private lawyers.

It becomes incumbent upon the military and veteran service organizations, as well as partnerships with corporations to fill the void, and work with our veterans to find sustainable work. The National Guard Bureau is partnering with Corporate America Supports You (CASY) for a job placement and training network for Guardsmen.

ROA commends the Department of Veterans Affairs for its hiring fairs that are providing opportunities for veterans to not only meet with representatives from both federal agencies and private industry, but also in some case to accelerate job offers. ROA also thanks the U.S. Chamber of Commerce for sponsoring a series of hiring fairs that are being done throughout the United States in order to get employers out to where veterans are located.

References:

ROA LPP 09-14, Tax Incentives for Employers
ROA LPP 14-14, Improvements to USERRA
ROA LPP 15-14, Improvements to SCRA



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