



RESERVE OFFICERS ASSOCIATION

Improve Uniformed Services Employment and Reemployment Rights Act Resolution No. 16-28

WHEREAS, Congress enacted the Veterans Reemployment Act in 1940, as part of the Selective Training and Service Act; and

WHEREAS, Congress comprehensively updated the reemployment statute in 1994, and the current law is known as the Uniformed Services Employment and Reemployment Rights Act (USERRA); and

WHEREAS, the reemployment statute has served our nation well for 70 years, but the law requires constant updating to address new situations not anticipated by Congress and to fill loopholes in enforcement; and

WHEREAS, more than 880,000 National Guard and Reserve personnel have been called to active duty at least once (some multiple times) since the terrorist attacks of September 11, 2001, meaning that the reemployment statute is important and relevant, now more than ever;

NOW, THEREFORE, BE IT RESOLVED, that the Reserve Officers Association of the United States, chartered by Congress, urge the Congress to enact legislation improving Uniformed Services Employment and Reemployment Rights Act and its enforcement mechanism, with such legislation to include, at a minimum, the following items:

- a. Amend USERRA to make it explicit that USERRA overrides contracts, collective bargaining agreements, state laws, and other matters that limit procedural as well as substantive USERRA rights or that impose additional prerequisites upon the exercise of USERRA rights (thus overriding agreements to submit future USERRA disputes to binding arbitration).
- b. Enhance remedies and enforcement procedures, especially with regard to the Federal Government as the civilian employer.

Renewed: 14 September 2016 and 10 August 2013

Adopted by ROA National Convention, 10 February 2010

Source: ROA Headquarters, February 2010