

**Improve Uniformed Services Employment and Reemployment Rights Act
(USERRA and SCRA)
Resolution 19-33**

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, according to Department of Defense more than 986,821 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, reinforcing that the reemployment statute is important and relevant, now more than ever;

NOW, THEREFORE, BE IT RESOLVED, that ROA, 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 regarding the Federal Government as the civilian employer.

Renewed: 29 Sept 2019 (Res 16-28), 14 Sept 2016, 10 Aug 2013 and 29 Aug 2019

Adopted by ROA National Convention, 10 Feb 2010

Source: ROA Headquarters, Feb 2010