



 **ESGR**[®]
EMPLOYER SUPPORT OF
THE GUARD AND RESERVE

ESGR Employer Outreach:

Partnering with Minnesota Employers
of our Guard and Reserve Servicemembers

ESGR Overview

USERRA Eligibility

SM Obligations
& Rights



<https://www.dvidshub.net/video/766889/esgr-mission-video>



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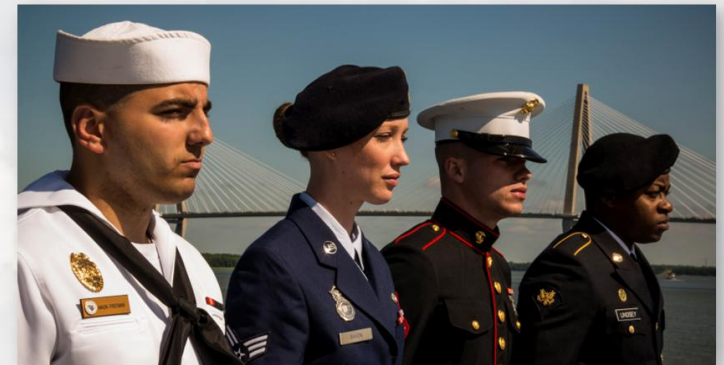
ESGR and its Mission

- Established in 1972 to gain and maintain employer support for Guard and Reserve
- ESGR is a part of the Department of War, Reserve Affairs
- 2,000 ESGR volunteers
- Principal advocate for employers within the Department of War
- **DoDI 1205.12** and **Employer requests**
 - ▶ Verify service dates
 - ▶ Verify type of discharge
 - ▶ Verify cumulative non-exempt service
 - ▶ Requests to delay, defer, cancel, or reschedule service



The Importance of Reserve Component Support

- ▶ **Over 800,000 Reserve Component servicemembers – 40% of our uniformed military**
- ▶ Army and Air National Guard, Reserves (Army, US Marine Corps, Navy, Air Force, and Coast Guard)
- ▶ Major portions of military capability are in Reserve Components:
 - ▶ Army National Guard & Army Reserve
28 Brigade Combat Teams—**47% capability**
75% of key support units – logistics, civil affairs, etc.
 - ▶ Air National Guard & Air Force Reserve
65% of airlift and tanker capability
 - ▶ Reserves cost approximately 30% of the Active-Duty personnel
- ▶ National emergency response (floods, hurricanes, fires, etc.)
- ▶ Over 1 million RC members activated since Sept 11, 2001



Our National Defense relies on the National Guard & Reserve

ESGR and its Mission



1. Recognize Outstanding Support of Employers

- **ESGR Awards:** Patriot Award, Seven Seals Award, *Pro Patria* Award
- *Secretary of War Freedom Award*, 15 presented annually—Large employer, small employer, and public employer categories
- **Factors:** Servicemember Support, Family Support, Pay Policies, Benefits Policies, Servicemember Recognition, Hiring Practices, USERRA Awareness, and ESGR Awards



Minnesota Freedom Award Recipients

SECRETARY OF DEFENSE
EMPLOYER SUPPORT
FREEDOM AWARD
2025

MINNESOTA
2025
RECIPIENTS

Honeywell

MINNEAPOLIS SAINT PAUL
METROPOLITAN AIRPORTS COMMISSION
MAC

Congratulations to the 2025 Freedom Award recipients from the Minnesota ESGR Committee.

SECRETARY OF DEFENSE
EMPLOYER SUPPORT
FREEDOM AWARD

MINNESOTA RECIPIENTS

- 2004: 2006: **Allianz**
- 2007: **umc** 2011: **3M**
- 2013: **usbank** 2014: **General Mills**
- 2017: **Cargill** 2018: **mi DEPARTMENT OF TRANSPORTATION** 2020: **ECOLAB** 2021: **marcus construction**
- 2021: **Medtronic** 2024: **LMC LEAGUE of MINNESOTA CITIES** 2024: **BlueCross BlueShield**
- 2025: **Honeywell** 2025: **MAC**

The Freedom Award is the highest employer recognition for support of their employees who serve in the Guard and Reserve.

ESGR and its Mission

2. Increase Awareness of USERRA

- Educational briefings to familiarize employers with USERRA
- “Boss Lifts” and “breakfast with the Boss” events to familiarize employers with servicemember duties
- Statements of Support by employers



STATEMENT OF SUPPORT



ESGR and its Mission



3. Resolve Conflicts

- Free mediation services and answers to USERRA requests
- Provided by local Ombudsmen
- Neutral and confidential mediation
- Subject to Administrative Dispute Resolution Act
- If unsuccessful, we will refer SM to the DOL-VETS
- **Employers:** Can seek USERRA assistance at ESGR.mil or 800.336.4590

ESGR Overview

Access resources for Employers and guidance regarding USERRA



ESGR WEBSITE

Home | State Pages | Contact Us | Search...

About ESGR | **Employers** | Service Members & Family | Volunteers | ESGR EMPLOYER SUPPORT OF THE GUARD AND RESERVE | Employer Awards | USERRA | News & Events | Resources Library

WE ALL SERVE.

50 YEARS 1972-2022

ESGR

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Celebrating 50 years serving those who serve

Learn More >

How can ESGR help?
 ESGR understands the unique talents and skill set Guard and Reserve Service members can bring to the civilian workforce. To make this arrangement work, both parties must be aware of their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Learn more.

Who is ESGR?
 ESGR, a Department of Defense office, was established in 1972 to promote cooperation and understanding between Reserve Component Service members and their civilian employers and to assist in the resolution of conflicts arising from an employee's military commitment. Learn more.

USERRA
 The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a Federal law that establishes rights and responsibilities for uniformed Service members and their civilian employers. Learn more.

QUICK LINKS

- NOMINATE YOUR EMPLOYER
- REQUEST ASSISTANCE
- SUPPORT YOUR EMPLOYEE
- VOLUNTEER
- STATE COMMITTEES
- ESGR IN THE NEWS
- ESGR EVENTS

“Request” assistance here for USERRA guidance

Support your SM employee by signing a Statement of Support

ESGR Overview

ESGR Website Resources

EMPLOYER SUPPORT OF THE GUARD AND RESERVE TIPS FOR EMPLOYERS

The Guard and Reserve are an integral part of our military. Almost half of the men and women serving in our Armed Forces are members of the Guard and Reserve.

As an employer, you are vital in enabling your employees who are members of the Guard and Reserve to serve our country. Moreover, your active support and encouragement are critical to their success.

Here are some suggestions on how you can help:

Learn more about the role of the Guard and Reserve: Attend open houses and public functions at local military units. Talk about the Guard and Reserve with military and civilian leaders in your community. Ask your employees what they do and how they fit into the "big picture" of national defense.

Get to know your employees' military commanders and supervisors: Ask them to provide you with advance notice of your employee's annual military duty schedule.

Put your support in writing by signing a Statement of Support for the Guard and Reserve: Display it prominently for all your employees and visitors to see. Request your Statement of Support online today at www.ESGR.mil/SSS.

Examine your personnel policies to see how they accommodate and support participation in the Guard or Reserve: Do policies include provisions for military leaves of absence? Do policies ensure job opportunities and benefits equivalent to those of other employees? Do policies ensure that your employee's service in the Guard or Reserve enhances their job performance and adds value to your organization?

Encourage employee participation in the Guard and Reserve: Recognize and publicize their dedication and commitment to your business and the Nation. Your employee's service in the Guard or Reserve enhances their job performance and adds value to your organization.

Seek assistance from ESGR: Call 1-800-336-4590 to speak with an ombudsman. Ombudsmen serve as confidential, neutral advisors for employers and employees who seek assistance or clarification regarding their rights and responsibilities as set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

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EMPLOYER SUPPORT OF THE GUARD AND RESERVE

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WWW.ESGR.MIL 1-800-336-4590
FACT SHEET 3 / ESGR 8125 / 12_2011

TOP TEN REASONS TO HIRE MEMBERS OF THE GUARD AND RESERVE

WHY MEMBERS OF THE GUARD AND RESERVE MAKE GOOD EMPLOYEES

- 10. GLOBAL PERSPECTIVE**
Military employees have experiences that directly relate to current world events.
- 9. ON-TIME, ALL THE TIME**
Military employees know that every second counts.
- 8. FIRST CLASS IMAGE**
Military employees understand a professional appearance is a must.
- 7. CALM UNDER PRESSURE**
Military employees are resilient and know how to handle stress, both on and off the job.
- 6. "CAN DO ATTITUDE"**
Military employees possess critical skills and understand that nothing is impossible.
- 5. PHYSICAL CONDITIONING**
Military employees are in top physical condition, resilient, and drug-free.
- 4. UNDERSTAND DIVERSITY**
Military employees have succeeded in a very diverse workplace.
- 3. RESPONSIBILITY**
Military employees know how to make decisions and take responsibility for meeting objectives.
- 2. PROFESSIONALISM**
Military employees are excellent leaders and outstanding followers: loyal, dedicated, and highly motivated.
- 1. LEADERSHIP**
Military employees have a high degree of integrity, an air of self-respect, and a sense of honor.

ESGR DEVELOPS AND PROMOTES A CULTURE IN WHICH ALL AMERICAN EMPLOYERS SUPPORT AND VALUE THE MILITARY SERVICE OF THEIR EMPLOYEES.

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WWW.ESGR.MIL 1-800-336-4590
FACT SHEET 7 / ESGR 8131 / 12_2011

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Why is employer support important? Almost half of our military force resides in the Reserve Component which is comprised of the Guard and Reserve. The men and women who serve in the Reserve Component are unique in that they also have civilian employers. Support of America's employers and the employees they share with the Nation ensures the viability of the all-volunteer force, and thus our national security.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE (ESGR), a Department of Defense agency, seeks to develop and promote a culture in which all American employers support and value the military service of their employees with ESGR as the principal advocate within DoD. ESGR does this by advocating relevant initiatives, recognizing outstanding support, increasing awareness of applicable laws and resolving conflict between employers and service members. Paramount to ESGR's mission is encouraging employment of Guardsmen and Reservists who bring integrity, global perspective and proven leadership to the civilian workforce.

WHO WE HELP
ESGR works with all employers and all Guard and Reserve service members.

WHAT WE DO
More than 4,700 volunteers and support staff are located in all 50 U.S. states, Guam (CMI), Puerto Rico, U.S. Virgin Islands and the District of Columbia to provide the following services:

- INFORM**
ESGR informs and educates service members and their civilian employers regarding their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Statutory authority for USERRA resides with the Department of Labor, and ESGR serves as a neutral, free resource to employers and service members. Information on the many resources is available at www.ESGR.mil.
- ADVOCATE**
ESGR advocates relevant initiatives on behalf of employers, service members and their families. We promote the importance of employer support through regular communications to military leadership, and serve as a communication link between employers and the DoD.
- RECOGNIZE**
ESGR recognizes employers who practice human resource personnel policies that support employee participation in the Guard and Reserve with a series of DoD employer awards.
- MEDIATE**
Trained ombudsmen provide information and mediation concerning the USERRA law. ESGR has hundreds of trained volunteer ombudsmen throughout the country ready to provide free mediation. Many conflicts arise due to a misunderstanding rather than a purposeful violation of the law, and ESGR can assist in resolving these issues and more.

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WWW.ESGR.MIL 1-800-336-4590
FACT SHEET 1 / ESGR 8123 / 12_2011

USERRA Eligibility

Purpose of USERRA

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) 38 U.S.C. 4301 et seq.

- Encourage uniformed service by minimizing disadvantages to civilian careers
- Provide for prompt reemployment to minimize disruption to the lives of servicemembers and employers and prohibit discrimination based upon uniformed service and retaliation



Photo: © Hans Halberstadt

USERRA Eligibility

Eligibility Requirements Under USERRA

ABSENCE

Absent from a position of employment by reason of uniformed service

PRIOR NOTICE

Prior written or verbal notice to employer

5-YR LIMIT

Five-year cumulative limit on NON-EXEMPT service

HON DISCHARGE

Must serve under honorable conditions

TIMELY RETURN

Timely return to work depends on length of service

Minnesota



5-Mar-26

Who is an Employer?

- ALL employers, regardless of size
- *Joint employers* – unions, plan administrators, temp employers
- *Successors-in-interest* – reemployment obligations may extend to new company if reasonably likely would have been hired

What is Employment?

- Full-time, part-time, seasonal, probationary
- NOT “brief, non-recurrent”
- NOT independent contractors



USERRA Eligibility

... by Reason of “Uniformed Service?”

ABSENCE

- “Uniformed” services and Reserve Components
- Voluntary **or** involuntary service
- **Civilians** – examination for initial enlistment
- **Exclusions** – National Guard on State Active Duty *unless* SAD of 14 days or more *or* for national emergency or natural disaster
 - *Minnesota* – USERRA extended to cover all SAD



“Prior Notice” to Employer

- **Written *or* verbal notice satisfies this requirement!**
 - ▶ ERs cannot *require* documents or written notice pre-service
- **NOT requesting “permission”**—ER cannot impose conditions
- **Timing** – effective if prior to next scheduled shift
- **Content** – leaving for purpose of uniformed service
- **Exceptions** – if notice is impossible, unreasonable, or military necessity precludes
- **NO waiver of USERRA rights**--Resignation ineffective
- **Dept of Defense:** Requests that SMs give written notice up to 30 days, if possible, prior to service. However, USERRA rights cannot be denied if not. **DoDI 1205.12**



Photo: © Hans Halberstadt

USERRA Eligibility

Five-Year Cumulative Limit on Service Duration

5-YR LIMIT

- SM must not have more than five years of non-exempt service per employer
- Many exemptions – **does not include:**
 - ▶ any involuntary service
 - ▶ “contingency operations” (Afghanistan, Iraq, etc.)
 - ▶ regular training and some schools (per orders)
 - ▶ any orders exempted by service chief
 - ▶ any forced extensions that exceed the five-year limit



Photos: © Hans Halberstadt



Minnesota

EMPLOYER SUPPORT OF
THE GUARD AND RESERVE
5-Mar-26

When is Service Disqualified?

- Dishonorable or bad conduct discharge
- Discharge upgrades available when misconduct may have been result of:
 - ▶ PTSD
 - ▶ TBI
 - ▶ sexual assault



Photo: © Hans Halberstadt

Return to (or Release from) Work?

- **Timely return to work** – depends on length of service
 - ▶ **181 days or more:** within 90 days
 - ▶ **31-180 days:** within 14 days
 - ▶ **30 days or less:** next shift after safe travel and 8 hours rest
- **Extension** – up to two years for hospitalization or convalescence
- **Reinstatement** – early return to work
 - “Immediately” upon request if service 30 days or less
 - “Promptly” if longer, but within *two weeks*
- **Late return to work** – subject to normal disciplinary procedures
- **Pre-service work obligations** – must be released from work with sufficient time to report “fit to perform duty”
 - ▶ Mirrors “timely return” requirements –rest and safe travel for duty 30 days or less



Photo: © Hans Halberstadt

Reemployment Rights: “Escalator Position”

- *Reemployment Process:*
 - ▶ “*Escalator Position*”— The position SM would have attained had they remained continuously employed.
 - ▶ Determined by **pay, seniority, and “status”**
 - ▶ SM is generally entitled to escalator position, or nearest position for which they can be qualified, even if position is already occupied
 - ▶ May require **promotions** or promotion opportunities
 - ▶ May require accommodation of **disabilities** incurred or aggravated during service
 - ▶ USERRA requires “**prompt**” **reemployment**—no longer than two weeks
 - ▶ After reemployment, SM may be protected from termination except for cause, depending on length of service



Issues Under USERRA

- **USERRA documentation:** Employer right to *require*
 - ▶ ONLY after service of more than 30 days
 - ▶ ONLY to verify USERRA eligibility
- **Using vacation days/PTO:**
 - ▶ Solely at discretion of SM
 - ▶ Employers cannot schedule around SM's drill schedule without SM's permission
- **Bonuses:**
 - ▶ Performance: If non-seniority, SM is entitled to pro-rata share for time actually worked
 - ▶ Longevity: SM is entitled to full bonus



Health and Pension Benefits



Photo: © Hans Halberstadt

- **Health plans**
 - ▶ SM *may* elect up to 24 months of coverage during service
 - < 31 days: no additional cost to SM
 - ≥ 31 days: at additional cost = 102% premiums
 - ▶ NO exclusions or waiting period upon reemployment
- **Pension / retirement plans**
 - ▶ SM entitled to missed retirement plan/pension contributions upon reemployment
 - ▶ If contributory, SM must make up contributions within 3 times length of service, up to 5 years, to trigger employer's contribution

Discrimination and Retaliation Prohibited

- **Discrimination prohibited**
 - ▶ IF past, present, or future uniformed service “a motivating factor” in adverse decision, it is discrimination
 - ▶ “Hostile work environment”
- **Retaliation prohibited**
 - ▶ For filing a complaint
 - ▶ For testifying, assisting, or otherwise participating in an investigation or proceeding
 - ▶ Exercising any right provided under USERRA



Photo by Seaman Timothy Meyer

Your local contacts for USERRA issues:

Mathew M. Meyer, Esq.

ESGR National Trainer

Minn. Ombudsman Director

612.741.4732

MMeyer@MinnesotaESGR.com



USERRA INFO

