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Report to the Chairman and Ranking Minority Member, Subcommittee on Personnel, Committee on Armed Services, U.S. Senate

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RESERVE FORCES

DOD Actions Needed to Better Manage Relations between Reservists and Their Employers

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Abbreviations

DOD	**Department of Defense**
ESGR	**Employer Support of the Guard and Reserve**
USERRA	**Uniformed Services Employment and Reemployment Rights Act**

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United States General Accounting Office
Washington, DC 20548

June 13, 2002

The Honorable Max Cleland
Chairman
The Honorable Tim Hutchinson
Ranking Minority Member
Subcommittee on Personnel
Committee on Armed Services
United States Senate

Following the 1991 Gulf War, reservists and employers flooded the government with questions and complaints concerning the reemployment rights of reservists who had been away from their jobs during the war. Subsequently, Congress passed the Uniformed Services Employment and Reemployment Rights Act of 1994.[1] The act grants service members reemployment rights following military duty and addresses the rights and responsibilities of both reservists and their employers.

Since the passage of the act, reservists have been increasingly called upon to serve in a variety of contingency operations, including peacekeeping operations in the Balkans, where many have served 6 months or more. The current mobilization for the war on terrorism is adding to this increased tempo and is expected to last a long time. Maintaining employers' continued support for their reservist employees will be critical if the Department of Defense (DOD) is to retain experienced reservists in these times of longer and more frequent deployments.

Concerned that frequent or long deployments could adversely affect recruiting and retention in the reserves, you asked us to study the issues and challenges surrounding the increased use of reserve forces. In particular, you cited the need for the DOD to pay special attention to reservists' civilian careers and other responsibilities to ensure the long-term health of the reserves. As agreed with your offices, we (1) determined how increases in military operations have affected "operational tempos"[2] of the reserve components and individual reservists and (2) assessed

[1] Pub. L. 103-353, October 13, 1994, 38 U.S.C. §§4301-4333.

[2] In this report, operational tempo refers to the total days reservists spend participating in normal drills, training, and exercises, as well as domestic and overseas operational missions.

relations between reservists and their civilian employers, focusing specifically on the Defense department's outreach efforts designed to improve these important relationships.

This report focuses on the more than 870,000 "selected" reserve members who generally attend 12 weekends and 2 weeks of training each year (for a total of about 38[3] days). Unless specified otherwise, the terms "reserves" and "reservists" both refer to the collective forces of the Army National Guard, the Air National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, and the Air Force Reserve.[4] To gain first-hand information on how deployments might be affecting reservists and their employers, we surveyed 1,608 reservists from 22 units that were among the highest tempo units in the reserve components, and we surveyed 111 employers of the units' reservists. We also held focus group discussions with reservists who had recently deployed. Additional information on our scope and methodology, including the units we surveyed and visited, is in appendix I.

The National Committee for Employer Support of the Guard and Reserve[5] serves as DOD's focal point in managing the department's relations with reservists and their civilian employers. Its small, full-time, paid staff in Virginia and 4,100 volunteers throughout the country are responsible for a number of different outreach activities. Two specific functions of these personnel are to 1) educate reservists and employers concerning their rights and responsibilities and 2) mediate disputes that may arise between the reservists and their employers.

Results in Brief

Despite increases in operations since 1992, the average operational tempo of reserves department-wide increased only slightly between 1992 and

[3] Some reserve components expect their members to perform 38 days of duty each year, while other components expect 39. The difference largely centers on how the components view travel to annual training. Some count it as part of the training, and others authorize an "extra" day for travel.

[4] Coast Guard Reserve figures have been included when available from DOD. However, we did not include the Coast Guard Reserve in our focus groups since it comes under the Department of Transportation in time of peace and reverts to the Department of the Navy only in wartime or when directed by the president.

[5] The National Committee for Employer Support of the Guard and Reserve is sometimes abbreviated NCESGR, but throughout this report we use the more common ESGR abbreviation to include both the headquarters and volunteer field staff of the organization.

2001—from 43 to 46 days a year. Normal required training periods accounted for the bulk of this total. Average operational tempos fluctuated for all components over the period but did not appreciably increase, with the exception of the Air Reserve components whose tempos have historically been the highest. Tempos increased from 54 to 65 days in the Air National Guard. Although component averages have not increased appreciably, all the components contain some individual reservists who are in units or occupations that have been affected disproportionately. For example, during the past 3 years, operational tempos within the Army National Guard averaged between 40 and 44 days per year, but hundreds of National Guard members from units in Texas, Georgia, and Virginia were deployed to Bosnia for 6 months or more. Hundreds more from other units are scheduled to participate in future 6-month deployments. Moreover, reservists in the fields of aviation, special forces, security, intelligence, psychological operations, and civil affairs have experienced operational tempos two to seven times higher than those of the average reservists in their services. The war on terrorism has added to the operational tempos in all the reserve components, and on March 19, 2002, more than 95,000 reservists were on duty. Many of these reservists had been mobilized for
6 months or more. In contrast, only about 35,000 reservists were on duty supporting worldwide military operations during an average day in fiscal year 2000.

Several factors hamper DOD's outreach efforts to both employers and reservists.

- DOD lacks complete information on who the reservists' employers are, and it has viewed the Privacy Act[6] as a constraint that prevents it from requiring reservists to provide this information. Because information is incomplete, DOD cannot inform all employers of their rights and obligations, cannot identify all exemplary employers for recognition, and cannot carry out effective outreach activities.

- DOD relies on volunteers in the field to carry out many of its outreach activities. However, these volunteers do not always report their contacts with reservists and employers, and, as a result, DOD does not know the full extent of problems that arise and has no assurance that its outreach activities are being implemented consistently.

[6] 5 U.S.C. §552a.

- Although DOD has an active program in place to address problems that arise between reservists and their civilian employers, no such program is in place to deal systematically with issues that arise between students and their educational institutions. Because students make up an estimated one-third of all reservists, it is important that such issues as lost tuition, credits, and educational standing be addressed more directly.

- DOD has not fully analyzed existing data on reservists' operational tempo and recruiting and retention trends on an ongoing basis to determine how deployments might be affecting reservists and their employers. More analysis of such data would enable DOD to better identify emerging problems and formulate outreach activities to address them.

Our surveys and discussions with reservists and employers further suggest that DOD's activities to enhance reserve-employer relations are not as effective as they could be. DOD has conducted hundreds of briefings each year for both reservists and employers. However, in discussions and responses to our surveys, a sizable number of the employers and reservists indicated that they were unsure of their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act, and some had never been briefed on their rights and responsibilities. And, while the majority of reservists told us that they believed their employers complied with legal requirements, some reservists in every one of our focus group discussions alleged that their rights had been violated (see app. III). Both employers and reservists claimed that frequently they were not given 30-days' advance notice of deployments, and some employers wanted the right to verify reserve duty under 30 days on a case-by-case basis. All of these findings suggest that some changes may be needed in the management of reservist-employer relations.

We are making several recommendations designed to enhance DOD's management of relations between reservists and their employers. Among others, these recommendations are directed at seeking more complete information on employers, more systematic reporting of contacts with reservists and employers in the field, and a more formalized program for addressing the needs of students.

In commenting on a draft of this report, DOD fully concurred with five of our seven recommendations and partially concurred with another recommendation concerning advance issuance of orders. We modified that recommendation to address the Department's concerns. DOD did not

concur with our recommendation to analyze the effects of a legislative provision on reservists. However, we continue to believe that the information in this report supports the need for such an analysis.

Background

The reserves are an all-volunteer force of about 1.3 million that makes up almost half the total military force,[7] and more than one-half of the total force in the Army. Since the end of the Cold War, there has been a shift in the way reserve forces have been used. Previously, reservists were viewed primarily as an expansion force that would supplement active forces during a major war. Today, reservists not only supplement but also replace active forces in military operations and exercises worldwide. In fact, the Department of Defense (DOD) has stated that no significant operation can be conducted without reserve involvement.

The Assistant Secretary of Defense for Reserve Affairs has overall supervisory responsibility for matters that involve reserve components, and he serves as the principal staff assistant and advisor to the Secretary of Defense on reserve component matters. The Assistant Secretary oversees activities of the National Committee for Employer Support of the Guard and Reserve (ESGR). Established in 1972 by President Nixon, the ESGR manages activities aimed at maintaining and enhancing employers' support for the reserves. Among its goals is that of informing reservists and their employers of their respective rights and responsibilities, as military duties can disrupt both the workplace and the private lives of reservists.

The ESGR has a small, full-time paid staff in headquarters and approximately 4,100 volunteers organized into 54 local committees, one for each state and one each for Guam, the District of Columbia, Puerto Rico, and the Virgin Islands. These staff provide reservists and employers with information and counseling concerning their rights and responsibilities. The ESGR uses a few of its full-time staff and about 200 trained volunteers from local committees to serve as mediators, called ombudsmen, when disputes arise between reservists and their employers.

The Uniformed Services Employment and Reemployment Rights Act of 1994[8] addresses employee rights related to their involuntary and voluntary

[7] The 1.3 million figure excludes members of the retired reserve.

[8] See note 1.

military service and covers both active duty military and reservists. The act applies to military service performed during basic training, weekend drills, and annual training, as well as deployments related to national emergencies. Among other things, the law requires that service members be promptly reemployed upon returning from military duty, generally in the same position, and be given the same raises, seniority rights, benefits, and promotions they would have received if they had remained at their jobs. They must also be permitted to use accrued vacation before the beginning of their military service and cannot be forced to use vacation time (instead of unpaid leave) for military service. Upon return from military duty, service members must be provided with continued health benefits, without waiting periods or exclusions. The law also prohibits hiring discrimination on the basis of past, current, or future military obligations.

Average Operational Tempos Have Not Increased Appreciably, but Some Reservists Have Been Affected Disproportionately

Despite increases in operations since 1992, the average operational tempo of reserves department-wide increased only slightly from 1992 through 2001. Average operational tempos fluctuated for all components over this period but did not appreciably increase except for the Air Force components whose tempos have historically been the highest. But while average operational tempo in the reserves has not increased appreciably, individual reservists in certain units and occupations in all reserve components have been affected disproportionately. The war on terrorism has led to major increases in reserve participation. About 35,000 reservists were on duty supporting worldwide military operations during an average day in fiscal year 2000, compared with over 95,000 supporting the war on terrorism on March 19, 2002.

Tempos of Most Components Have Increased Only Slightly

Between fiscal years 1992 and 2001, reserve operational tempos increased by about 5 percent, from an average of 43.4 to 45.6 days per year. [9] Regular reserve training declined slightly over the period but still accounted for the bulk of the reserve tempo, with annual training periods averaging 11.2 days and regular drill periods averaging 18.8 days per person in fiscal year

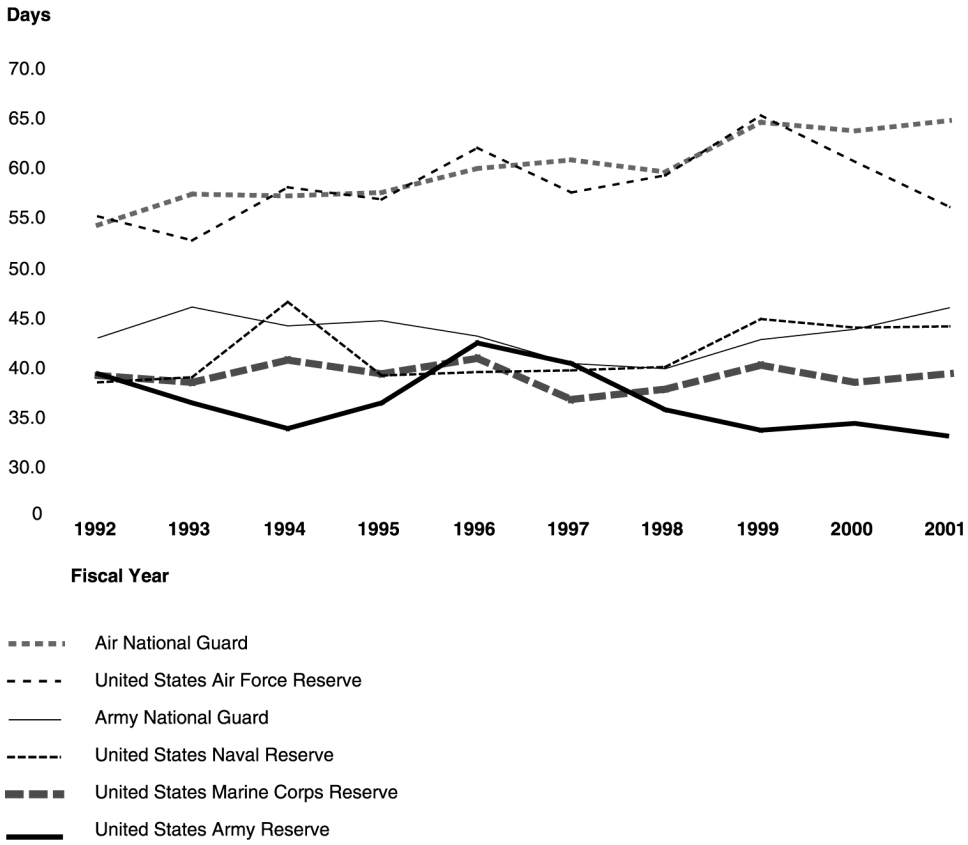
[9] It should be noted that the operational tempo during our 1992 baseline year already exceeded the 38 or 39 days of training that reservists are normally expected to attend each year.

2001.[10] However, "other" reserve tempo (primarily support to overseas missions and exercises) increased almost 37 percent over the period, to about 16 days per person in fiscal year 2001.

Tempo increases were greatest in the Air Reserve components, which have historically had the highest tempos. Over this period, average operational tempos rose from 54 to 65 days a year in the Air National Guard. Air Force Reserve tempos rose from 55 days in 1992 to 65 days in 1999, before they began declining. The increases resulted partly from a shift that placed more lift and refueling capabilities in the reserve components and thus required them to provide more support to the Air Force's active forces. Average operational tempos fluctuated in the other reserve components, but most changes from one year to the next were 3 days or fewer in either direction. (See fig. 1.)

[10]Average training figures can fall below 38 days per year for a number of reasons. Personnel who retire or leave the reserves during the year may attend only a few days of training before leaving. Some training may also be waived for a certain period of time following a reservist's return from a long deployment. Finally, some reservists may not attend training as expected.

Figure 1: Average Annual Operational Tempo within Six Reserve Components, 1992-2001[11]



Source: Office of the Secretary of Defense for Reserve Affairs data.

Some Units and Reservists Have Been Affected Disproportionately

Component-wide averages do not reflect the wide differences in the operational tempos of individual reservists in certain units and occupations in all of the reserve components. While the Air Force seeks to spread its high operational tempos as evenly as possible (relying on reservists to volunteer regularly for deployments of 30 days or less), the other components deploy some reservists for 6 or more months, while typically keeping the rest of their forces on 38- or 39-day annual training schedules. For example, hundreds of Army National Guard soldiers have

[11] These figures exclude full-time Guard and Reserve members and new members who have not yet completed their basic military and technical skills training.

participated in each of the past three peacekeeping rotations to Bosnia, and hundreds more are scheduled to participate in future 6-month deployments. Personnel in the fields of aviation, special forces, security, intelligence, psychological operations, and civil affairs have experienced operational tempos that are two to seven times higher than those of the average reservist. Over the past few years, all the civil affairs groups in the Army and Marine Corps Reserves have supported lengthy Balkans operations. In fact, between 1998 and 2001, eight members of the Marine Corps Civil Affairs Group that we visited deployed to the Balkans twice—7 to 9 months in Bosnia and an additional 6 months to Kosovo. Appendix II lists other examples of high tempos in the units we visited.

Training requirements also contribute to the high tempos of some occupational specialties and units. For example, most Air Force Reserve and Air National Guard pilots spend at least 87 days on active duty each year in order to maintain their proficiency. During the year before an overseas deployment or major training exercise, ground forces may also face extremely high training requirements. For example, members of the 49th Armored Division (Texas Army National Guard) averaged 108 days of training prior to their 270-day mobilization to Bosnia.

The War on Terrorism Has Increased All Tempos

Between September 2001 and March 2002, operational tempos increased significantly for all of DOD's reserve components due to the partial mobilization[12] in effect to support operations Noble Eagle and Enduring Freedom, the domestic and overseas operations associated with the war on terrorism. Table 1 shows the numbers of reservists on duty on March 19, 2002, when DOD's weekly report figures peaked.[13] In numerical terms, the Army and the Air National Guards had the most people on duty. However, in percentage terms, the Coast Guard Reserve and the Air National Guard have been the most heavily utilized components. The 95,060 reservists on duty March 19, 2002, represent a significant increase over the 35,000 reservists who were on duty supporting worldwide military operations during an average day in fiscal year 2000. Most reservists

[12] A "partial" mobilization permits the President to mobilize ready reserve units and individuals (up to 1 million reservists) for as long as 2 years, while presidential reserve call-ups, such as those for operations in the Balkans and Southwest Asia were limited to 270 days.

[13] Coast Guard participation peaked on October 4, 2001, when 21.5 percent of the Coast Guard Reserve members were on active duty.

supporting operations Noble Eagle and Enduring Freedom were federally mobilized under involuntary orders. Complete data is not yet available on how long reservists are serving in these operations, but as of March 2002 many had already been mobilized for 6 months.

Table 1: Reservists on Duty to Support the War on Terrorism, March 19, 2002

Component	Reservists on duty[a]	Percentage of component's reserve force[b]
Army National Guard	25,984	7
Air National Guard	24,752	23
Air Force Reserve	14,136	10
Army Reserve	13,703	4
Naval Reserve	9,827	5
Marine Corps Reserve	4,788	5
Coast Guard Reserve	1,870	15
Total	**95,060**	**7**

[a] Figures include personnel on duty for airport security, volunteers, and those mobilized for state and federal missions, as well as for training directly related to the war on terrorism.

[b] Percentages are based on reserve force of 1.3 million rather than on drilling reserve population of 870,000.

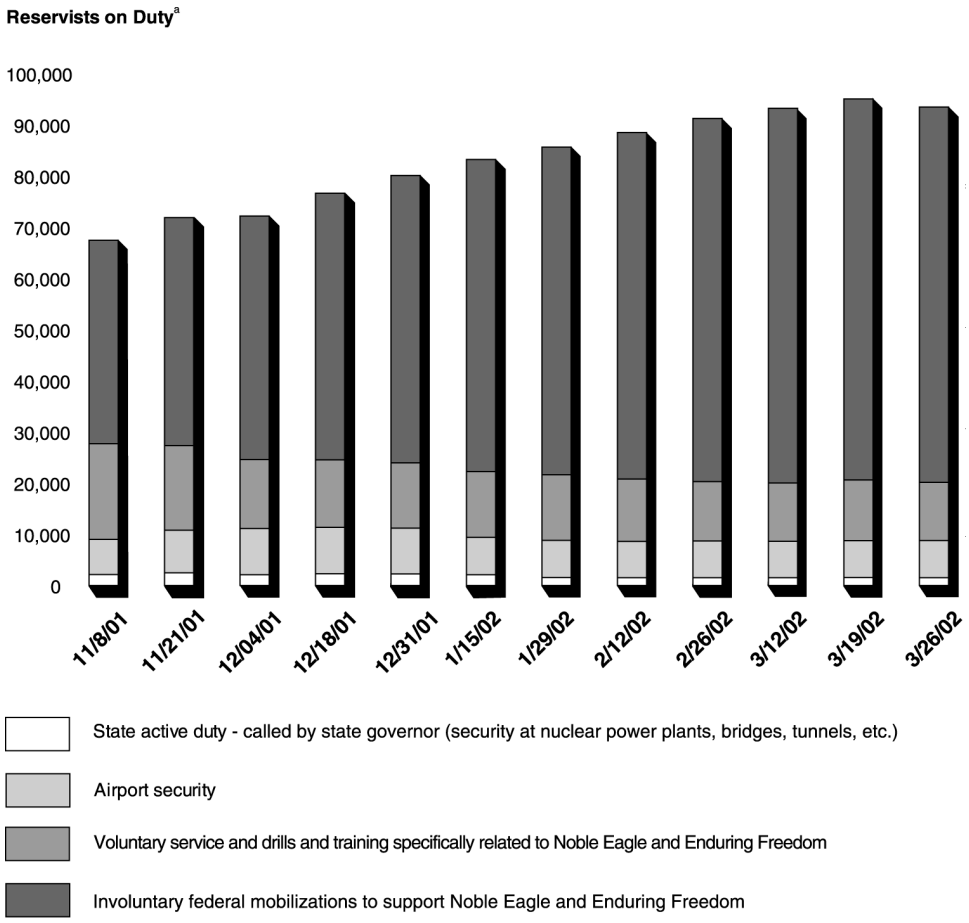
Source: Office of the Secretary of Defense for Reserve Affairs.

Component-level figures again do not reflect the impact on some specialties and units. The Naval Reserve, for example, has deployed only about 5 percent of its total force, but deployed almost all of its reservists in the master-at-arms and 9545 (security) fields.[14]

Figure 2 shows that the majority of reservists supporting operations related to the war on terrorism have been involuntarily called to duty under the partial mobilization that went into effect in September 2001. Even if the mobilized force declines in size, the mobilization could have considerable long-term effects on reserve operational tempos because it allows DOD to activate reservists involuntarily for as long as 2 years. Between the end of the Gulf War and September 2001, reservists who were involuntarily mobilized to support operations in the Balkans, Southwest Asia, and elsewhere had been called to duty under Presidential Reserve Call-ups, which limit duty to a maximum of 270 days.

[14] About 5,000 of the Naval Reserve personnel who were mobilized went to force security positions.

Figure 2: Reserve Buildup to Support the War on Terrorism



[a] Includes Coast Guard Reserves.

Source: Office of the Secretary of Defense for Reserve Affairs.

DOD'S Management of Relations Between Reservists and Their Employers Could Be Improved

Good relations between reservists and their employers are important, because deployments can be disruptive to employers, and difficulties, if not resolved, could lead some reservists to abandon military service. Yet, DOD has been hampered in managing its activities aimed at enhancing relations between reservists and their employers because it lacks complete information on who the employers are. We found that both reservists and employers are experiencing a variety of problems, yet DOD may be unaware of the full extent of problems because reservists and employers do not always contact the ESGR for help, and volunteer ombudsmen in the field do not always report contacts that are made.

Furthermore, because the ESGR is not specifically tasked with helping student reservists, their unique problems are not being fully identified and addressed. Finally, the department has not fully analyzed information that could help identify actions needed to improve relations between reservists and their employers.

Incomplete Information on Employers Has Hampered DOD's Outreach Activities

Although DOD recognizes that employer support is crucial to the health of its reserve forces and has taken steps to improve this support, its outreach efforts are hampered because it cannot identify all of its reservists' employers. Recent efforts to have reservists voluntarily report the names of their employers have met with only limited success. DOD has not required reservists to report the names of their employers in the belief that doing so would be inconsistent with the Privacy Act. [15] However, a reexamination of this position may be warranted because collecting such information would appear to be central to the ESGR's mission.

DOD does not have complete information on employers

There is no complete listing of the civilian employers of DOD's reserve members. At various times, reserve units, the reserve components, the services, and DOD have attempted to compile lists of the civilian employers of their reservists. However, none of these lists were comprehensive, and the limited lists that were assembled were generally not kept up to date.[16] For example, to prepare for a survey in 1999, DOD assembled a list of 13,752 employers of its reserve members. However, when DOD officials provided us with a copy of the list in 2001, they acknowledged that this list was incomplete[17] and that it had not been updated since it was first assembled.

The lack of a complete and up-to-date list of employers has hampered the ESGR's ability to conduct outreach efforts. For example, the ESGR conducts a "boss lift" program, which takes employers to reservists' training or deployment sites to increase employers' appreciation of the work reservists do, as well as an employer award program. We found that some units have conducted multiple boss lifts and have given out scores of

[15] 5 U.S.C. §552a.

[16] Most of the reserve units we visited did not maintain employer lists. A few had assembled lists when they were deployed, but they did not keep them up to date after their deployments.

[17] In 1999 the reserve components had almost 880,000 members who participated in regular training.

employer awards, while other units have had no contact with ESGR representatives and have not given out any awards or conducted any boss lifts.

Voluntary reporting has not yielded complete list of employers

In 2001, DOD created a data base to collect employer information from reservists being mobilized, but the data base is incomplete. Reservists are being asked to supply information voluntarily. On May 14, 2002, the data base contained data on fewer than 11,000 employers, although more than 73,000 reservists had been mobilized to support the war on terrorism.

DOD has been reluctant to mandate that reservists provide information about their civilian employers due to Privacy Act concerns. The Privacy Act limits the amount and type of personal information that the government can collect from individuals, stating that organizations may keep records of such information only "as is relevant and necessary" for them to accomplish their missions. DOD officials told us that if the requirements of the Privacy Act could be satisfied, they would support the mandatory collection of employer information.

Knowing who the employers of its reservists are and how to contact them would appear to be information that the ESGR needs in order to carry out its mission. The ESGR was established to enlist the support of employers in encouraging employee and citizen participation in the Guard and Reserve. The responsibilities of the NCESGR/ESGR, listed in DOD Directive 1250.1,[18] include taking actions to

- operate a proactive program that ensures employers' understanding of the role of the reserves;
- encourage compliance with USERRA;
- prevent, resolve, and reduce employer problems and misunderstandings through informational services and mediation;
- solicit feedback on employer attitudes and opinions regarding participation in the reserves and recommend programs or initiatives to enhance and sustain employer support;

[18] National Committee for Employer Support of the Guard and Reserve (NCESGR), August 17, 1999.

- recognize employers who are supportive of their reservist employees; and

- enhance contact and cooperation between local reserve commanders and employers.

Furthermore, the Secretary of Defense has stated that the Guard and Reserve need the complete support of our nation's employers to accomplish their missions. We believe that a complete list of all reservists' civilian employers would therefore be both relevant and necessary if the ESGR is to effectively accomplish the purpose for which it was created.

Despite Extensive Briefings, Some Reservists And Employers Are Unsure of Their Rights And Responsibilities

DOD conducts hundreds of annual briefings to inform reservists and their employers about their rights and responsibilities under USERRA. In addition to these briefings and other outreach efforts, several DOD Internet sites explain the law or contain links that direct people to the law or explanations of the law.[19] Despite DOD's efforts, we found that a sizable number of reservists and employers were unsure about their rights and responsibilities.

Employers. Because DOD does not know all the employers of its reservists, it cannot inform them directly of their rights and responsibilities. A 1999 employer survey by DOD found that 31 percent of respondents were not aware of any laws protecting reservists. Twelve percent of the 111 respondents in our employer survey said that they were unaware of USERRA's requirements—despite the fact that their employees were in the reserve components' most highly deployed units.

Most reserve unit commanders we interviewed estimated that at least one-fourth of employers do not understand the law's requirements. The importance of identifying all employers was demonstrated during one of DOD's most successful outreach efforts, a recent airline symposium. At that symposium, a major airline representative stated that the success of previous symposiums was demonstrated by the fact that his airline "is now in compliance with the law." He stated that previously his airline was violating the law because it was unaware of the law's requirements. This airline is now widely recognized as an exemplary employer of reservists.

[19] www.esgr.org is one of these web sites.

Most private-sector employers and state and local governments are also apparently unaware of another very important option: they may request that some of their workers be listed as "key employees" who cannot be mobilized.[20] On the other hand, federal agencies, which employ about 10 percent of reservists, are well aware of the option and designated 824 of their own employees in that category in 1999. But even after September 11, 2001, only a handful of non-government employers had made similar requests, possibly indicating that most employers are (or were until very recently) unaware of this option.

Reservists. While most reservists in the high operational tempo units we visited knew that a reemployment law existed, many were unfamiliar with their specific rights and responsibilities, and a number of reservists in our focus group discussions said they had never even heard of USERRA. The ESGR attempts to provide an annual briefing for all reserve members on their rights and responsibilities under the law, but the ESGR acknowledges that the program is not yet reaching all reservists. On September 20, 2001, the Under Secretary of Defense (Personnel and Readiness) issued guidance to the services stating that all mobilization orders should include a reference to the ESGR's toll-free telephone number and Web site so that reservists can contact the ESGR if they have questions regarding their employment/reemployment rights.

Extent of Reservist and Employer Problems Is Not Well Understood

We found that reservists and employers alike have experienced problems associated with military service. At every unit we visited, we found some reservists who alleged that their employer had not complied with USERRA, and we found that the problems of student reservists, who represent an estimated one-third of the reserve force, are not being fully addressed. Among other things, employers complained about not receiving sufficient advance notice of deployments and of being unable, under certain conditions, to verify their employees' military duty.

Yet the ESGR is not keeping track of all the times that reservists or employers try to contact the organization for help, and its system of volunteer mediators is not reporting all cases consistently. Therefore the ESGR cannot know the extent of problems or what actions may be needed to improve the effectiveness of its outreach and mediation efforts.

[20] 32 CFR 44.5(b)(1).

Reservists at every unit visited reported difficulties

Most of the reservists we spoke with said that their employers complied with USERRA provisions,[21] and some even said that their employers had provided benefits above and beyond the requirements of the law.[22] However, at every focus group in every unit we visited, some reservists had complaints about their employers. Some said that their supervisors were hostile toward their reserve duty and had actively encouraged them to leave the reserves. Others alleged employer misconduct that, if confirmed, would be a clear violation of the law.[23] Allegations included being denied required medical benefits, being forced to use vacation time for military duty, and being fired. In one unit, more than 30 percent of the members we surveyed claimed to have had problems with their employers when they returned from an extended deployment to Bosnia.[24] For example, one said she was fired, and another claimed he had to reapply for his job.

Reserve officials, reservists, and employers all commented that even in companies with good policies to support reservist employees, reservists can face front-line supervisors who do not always comply with the policies. One reservist told us that despite working for a major corporation that has received numerous ESGR awards, he was placed on probation after returning from a 9-month Bosnia mobilization. Appendix III provides examples of the types of problems cited by reservists in our focus groups, as well as the benefits provided by some exemplary employers.

Students experience unique problems

Student reservists, who make up a sizeable portion of the reserve force, have a special set of problems because there is no federal statute to protect them against loss of tuition, housing fees, or academic credit when they are mobilized. In addition, DOD Directive 1250.1 (which lays out the

[21] Appendix IV includes additional details on the specific provisions of the act that relate to this report.

[22] Since the partial mobilization in September 2001, many employers have increased their benefits to reservists. However, many changes are temporary and apply only to reservists who are specifically called to support the war on terrorism. Of the 111 employers who responded to our survey, 60 said they provide health benefits beyond those required by the law, 28 said that they make up the difference for employees who are paid less in the military than they are on their civilian jobs, and 19 said that they provide employees with full pay for at least part of the time that they are gone on military duties.

[23] We did not verify the allegations, and some reservists were unaware that the alleged employer misconduct might constitute a violation of the law.

[24] We visited this unit in the field and were able survey 32 members between firing exercises. However, more than triple that number deployed to Bosnia.

responsibilities of the ESGR) does not expressly task the ESGR with mediating disputes between reservists and their schools. Yet up to one-third of all reservists may be students, according to DOD officials. And our survey of 1,608 reservists from high operational tempo units found that 22 percent of them were students.[25]

After the partial mobilization in September 2001, the Servicemembers Opportunity Colleges[26] volunteered to mediate any disputes that arose between student reservists and their schools. However, a senior official from the organization told us that as of January 9, 2002, they had handled only 24 cases. None of the student reservists who had voiced concerns at our focus groups had contacted the organization. Reservists may simply be unaware of the organization, because, unlike the ESGR, it does not have a comprehensive network of volunteers to reach out to reservists. While student reservists who become aware of the organization are likely to use its Web site to obtain information, some may be reluctant to rely on it to independently mediate disputes with educational institutions because the organization is a consortium of national higher education associations.

Because the ESGR has not been specifically tasked with addressing student reservists' problems, it has not established a program to deal systematically with concerns that arise. A student's occupation is not directly comparable to that of an employee, and therefore questions inevitably arise about the specific protections that might be reasonably afforded to students. Some states have laws that offer student reservists the option of obtaining tuition refunds when they are called to active duty or completing their course work following their military duty.[27] Such protections come at a cost to educational institutions and therefore require careful study.

[25] Appendix V contains a copy of the survey we distributed to reservists in high tempo units.

[26] The Servicemembers Opportunity Colleges is a consortium of national higher education associations and more than 1,500 colleges. The organization helps to coordinate postsecondary educational opportunities for service members through voluntary programs that are funded by the military services.

[27] At the time of our review, three states (Arkansas, New Jersey, and Texas) had laws providing such protection. And many new recruits without prior military experience have joined the reserves in recent years to obtain funding for education.

Employers also reported difficulties

Information from our employer survey[28] as well as our discussions with employers highlighted several problems linked to reservists' military service.

Advance notice. Many employers are not receiving adequate advance notice prior to their reservist employees' departure for military duty. USERRA requires that employers receive written or oral advance notification but does not specify how far in advance it should be given and does not require notification if "military necessity" or other relevant circumstances prevent giving notice.

Although the law does not specify a timeframe for advance notice of employers, the Office of the Assistant Secretary of Defense for Reserve Affairs has emphasized the need to provide orders well in advance of deployments,[29] in part so that employers could be notified promptly. In 1999, DOD had identified inadequate employer notification as one of the problems it needed to address. And the Assistant Secretary of Defense for Reserve Affairs has warned that "unjustifiably late notification may harm the working relationship between (reservists) and their civilian employers." Yet in spite of repeated memoranda from the Assistant Secretary, advance notification continues to be a problem, and the services have not consistently met the 30-day advance notification goal. On September 13, 2000, the Under Secretary of Defense for Personnel and Readiness approved a recommended change to a DOD directive that would have tasked the services with monitoring the timeliness of advance notifications. However, as of January 2002 the directive had not been updated to reflect the recommended change, and DOD still had no validated data to measure the extent of the advance notice problem. [30]

In discussions with us and in their survey responses, reservists and employers cited cases in which notification was given much less than 30 days in advance. While some reservists told us that they have been able to provide their employers with sufficient advance notice, many told us that

[28] Appendix VI contains a copy of the survey, and appendix VII contains a profile of the employers that responded to the survey.

[29] The Office of the Assistant Secretary of Defense for Reserve Affairs has suggested that 30 days' advance notification is a reasonable goal, and the services had agreed to this goal in September 2000.

[30] The recommended change was to DOD Directive 1235.10, "Activation, Mobilization, and Demobilization of the Ready Reserve," July 1, 1995.

they themselves did not receive their orders until a few days—or in some cases, just hours—before deploying. The commanding general told us that one unit in his Bosnia task force had not received its orders until after it had arrived in Bosnia. Sixty-eight of 111 employers who responded to our survey said that they typically receive less than 30 days' advance notice, and 31 of them said that they typically receive notification 7 days or less in advance.

Verification. Employers cannot verify their employees' attendance at military duties that last 30 days or less. USERRA gives employers the right to request verification for periods of duty that are 31 days or longer, but some employers believe they should have the right to request documentation for lesser periods if they think their employees are not being honest about their duty commitments. According to employers, some units and reservists do provide documentation for military duty of less than 31 days, but others do not, even when asked to do so. Employers noted that they do not want to be flooded with orders for every weekend duty, they simply want to be able to verify duty in the few cases where they suspect an employee might abuse the system. During the airline symposium, senior reserve component officials expressed a willingness to work with employers to try and minimize or eliminate cases where reservists "abuse their employers" by volunteering for non-critical reserve duties at times that are particularly inconvenient for the employer.

Costs and disruptions. Reservist employees often cost employers more than those who are not reservists because many employers must pay overtime premiums to their remaining workers who do the work of deployed reservists. Other employers provide pay or benefits to deployed reservists while also providing pay and benefits to temporary workers who replace the deployed reservists. In addition, pre-deployment training can cause major disruptions to work schedules, and the early, unexpected return of a reservist can add to costs if both the reservist and the substitute must be paid.[31]

Small employers. DOD and service officials said that small employers are most affected by their employees' reserve duties. A firm of four people

[31] Companies also derive benefits from hiring reservists. In responding to DOD's 1999 survey, 72 percent of the employers surveyed agreed or strongly agreed with the following statement: "The training and experience received by a National Guard or Reserve employee makes that person a more valuable employee to my company." Only 10 percent disagreed or strongly disagreed.

that loses one of its workers to military service has lost 25 percent of its work force. These losses can be especially hard if the reservists perform a key role within the company (for example, if the reservist is the company's only bookkeeper or salesperson). DOD's 1999 survey of employers excluded firms with fewer than five employees. However, as noted, DOD does not have a complete or up-to-date list of employers and therefore does not actually know how many employers have fewer than five employees. Our survey of 1,608 reservists found that only 5 percent worked for companies with fewer than five people. However, our survey included only reservists from high operational tempo units and is therefore not projectable to all reservists.[32]

Not all problems are being reported

ESGR officials told us that the caseloads of its ombudsmen, who help mediate disputes between reservists and their employers, have been rising, but they also acknowledged that the ESGR does not have an accurate count of all cases because of incomplete reporting.[33] In fiscal year 2001, the ESGR reported 11,500 cases, but this figure includes both an accurate count of cases handled by a few full-time paid ombudsmen at headquarters and a much less accurate count of cases handled by hundreds of part-time volunteers in the field. Reporting by volunteers has been sporadic, and some field offices have gone an entire year without reporting any cases at all. The ESGR, in other words, does not have a complete or accurate way of tracking and reporting all contacts made with employers and reservists who are seeking help.[34]

The current system, which relies largely on part-time volunteers in the field, does not ensure complete reporting. This is because ESGR volunteers—by virtue of the fact that they are volunteering their services

[32] Within our survey group, 1,102 reservists had full-time jobs and 100 had part-time jobs. The remaining 406 were unemployed or did not respond to the question about their employment (see question 10 on the survey in app. V). Of the 1,202 workers, only 60 said they worked for firms with 5 or fewer employees. (See question 11 on the survey in app. V.)

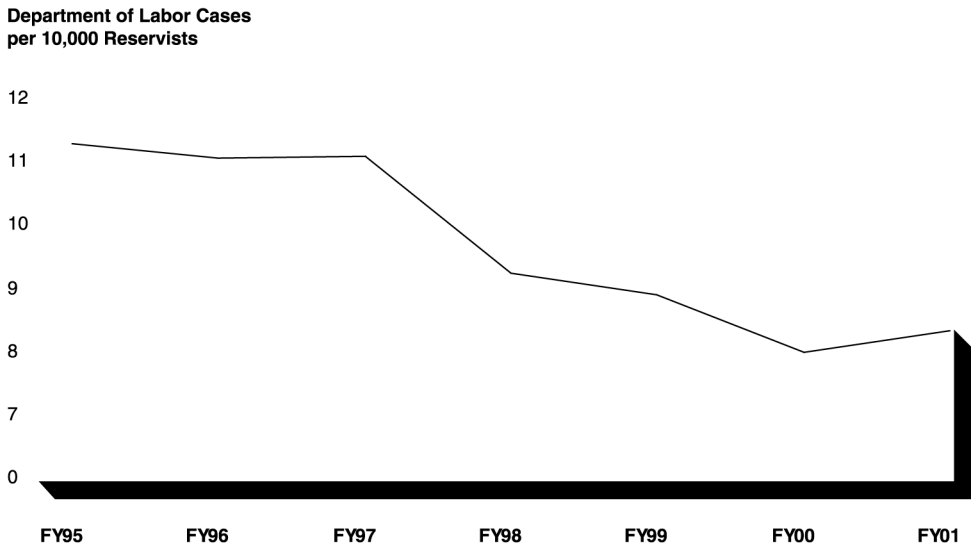
[33] Because the ESGR figures are incomplete, we cannot verify whether its caseload is increasing. A case can range from a single telephone call in which a question is answered to extensive mediation efforts.

[34] The ESGR does have accurate data from its Web site, which was established in fiscal year 1997 to provide information to both reservists and employers. In fiscal year 1998 the site had an average of 200 inquiries per week, but the number rose to an average of 5,000 per week in early 2001. In October 2001 Web inquiries rose to 42,000 per week before leveling off at about 14,000, per week in 2002. Most visitors to the site view the USERRA law or download the site's list of frequently asked questions.

in their limited spare time—cannot reasonably be expected to document every single contact. Moreover, volunteers are not always available to field telephone inquiries. Although many reservists said positive things about ESGR's volunteers, others said that they had not contacted the ESGR because the volunteers were hard to reach, and a few who had reached the ombudsmen said that they were not helpful. ESGR officials told us they plan to set up a new system that would eventually route all telephone calls to the ESGR to a central office. The system would ensure that all calls are answered, either by the full-time headquarters staff or by local volunteers (during their office hours). However, the details of this plan, including funding, timelines, and responsibilities, have not been worked out.

Disputes that cannot be resolved by the ESGR are referred to the Department of Labor. Figure 3 shows that the number of cases (relative to the number of reservists) handled annually by Labor has generally declined since fiscal year 1995. The actual number of cases referred to the Department of Labor declined from 1,069 in fiscal year 1995 to 724 in fiscal year 2001.

Figure 3: Declines in Department of Labor Cases



Source: Office of the Secretary of Defense for Reserve Affairs.

Several reasons could account for the drop, including a tight labor market that forced employers to be more accommodating and a larger number of cases resolved by the ESGR.

Data That Could Enhance Program Management Has Not Been Analyzed

DOD collects a variety of information on reserve recruitment, retention, and deployments. But it has not combined this information to examine the possible effects of high operational tempos on the reserves or to identify actions that might be needed to address problems in employee-reservist relations. A surprise problem is that some reservists want to deploy more and are unable to do so because of certain barriers.

Of specific concern is the effect that high operational tempos may have on reserve retention. DOD recently conducted a survey of 75,000 reservists. Once analyzed, it should provide some information on why reservists stay in or leave the reserves. Several studies have attempted to identify a possible link between operational tempo and retention, but they focused on the active forces and came to different conclusions. However, in October 2000, for the first time, DOD began collecting operational tempo data on each individual reservist. An analysis of the data might shed new light on whether operational tempos are affecting retention rates for reservists in specific occupational specialties.

Our data, when combined with DOD's recruiting data, shows that reserve recruiting bears close scrutiny. Although the reserve components generally had good recruiting years during the recession in 2001, the Marine Corps Reserve was the only component that consistently reached its goals in each of the last 5 years.[35] Two other trends are emerging: (1) more people without prior military experience are joining the reserves and (2) our survey indicates that these new recruits are less inclined to stay in the reserves over the long term. The number of soldiers from the active forces who joined the selected reserves dropped from 59.1 percent in fiscal year 1999 to 49.6 percent in fiscal year 2001. Our survey of reservists in high tempo units, though not projectable, showed wide differences in the career intentions of prior service and non-prior service reservists. About 73 percent of reservists who had served 4 or more years on active duty intended to stay in the reserves for 20 years or more, but only about 54 percent of those without prior active duty service intended to stay for a full 20-year career. If this difference in attitudes were true across the reserve force, the shift to non-prior-service recruiting would lead to higher recruiting requirements in the future, as fewer reservists remain in the reserves for full 20-year careers.

One unexpected finding of our study was that a significant number of reservists in the highly deployed units we surveyed have wanted to deploy even more. However, the services have been discouraged from deploying these individuals by the effects of recent legislation,[36] which requires that service members who are deployed for 401 or more days in a rolling 730-day (2-year) period receive a $100 high-deployment per diem allowance.[37]

Sixteen percent of the reservists who responded to our survey said that they chose to join their unit because of the unit's high operational tempo; of these, half said operational tempo was the "main" reason they joined their unit. During our focus group discussions, a number of reservists said that they had enjoyed their operational deployments and were anxious to return to overseas missions, such as those in the Balkans, because they felt they were "making a difference." Others said that they would have

[35] See appendix VIII for additional details concerning recruiting goals and annual accessions.

[36] Pub. L. 106-65, Oct. 5, 1999, §586, which amended Part II of subtitle A of title 10, U.S.C. by inserting a new chapter, "Chapter 50—Miscellaneous Command Responsibilities."

[37] 37 U.S.C. §436.

extended their tours to the Balkans, had this been an option, and several even said that they had offered to forgo the $100-per-day high-deployment allowance just to be able to deploy again. These reservists had been told that the law did not allow the payments to be waived.

Prior to the enactment of the high-deployment legislation, some active service members who were not anxious to deploy had experienced deployment rates above the 400-day threshold. On the other hand, the reserve components had limited involuntary deployments of their members even prior to the legislation, and generally the only reservists who spent more than 400 of 730 days deployed were volunteers. Even before the payment requirement was suspended following the attacks of September 11, the services' extreme reluctance to pay the high-deployment per diem allowance had prevented some reservists with considerable overseas mission experience from being able to deploy.[38] When the suspension on the requirement is lifted, some reservists who want to deploy may not be able to, and some who do not want to deploy may be forced to take their places.

Information on these types of trends needs to be monitored and analyzed, in conjunction with retention and deployment data, to provide a better understanding of the effects that deployments may be having on reserve forces. Using these multiple data sources on a continuing basis could also help the ESGR better decide whether additional actions may be needed to assist reservists and their employers.

Conclusions

To effectively manage activities aimed at enhancing relations between reservists and their employers, DOD must be able to communicate directly with these reservists' employers. However, DOD's management of these activities has been hampered by incomplete information on who these employers are. Recent efforts requesting that reservists voluntarily provide employer information have yielded only partial information. As a result, DOD cannot inform all employers of their rights and obligations, cannot identify the best employers for recognition, cannot carry out effective outreach activities, and cannot implement proactive public affairs campaigns. DOD has opted for a voluntary reporting system in the belief

[38] Because the legislation went into effect on October 1, 2000, and was temporarily suspended 373 days later, on October 8, 2001, no service member has yet been paid a high-deployment per diem allowance.

that requiring reservists to provide information on their employers may violate the Privacy Act. Determining whether the mandatory collection of such information is necessary and relevant to the ESGR's mission is the first step in improving the quality of information in DOD's employer data base.

The ESGR has an active program to address problems that arise between reservists and their civilian employers. However, to date, there is no federal statute to protect students, who make up an estimated one-third of all reservists, against loss of tuition, credits, and educational standing due to unexpected or extended deployments. Such difficulties could discourage this portion of DOD's force from joining and remaining in the reserves. The directive, which spells out the ESGR's mission and responsibilities, is silent with respect to outreach programs to address difficulties student reservists may encounter. Therefore, DOD may need to amend the ESGR's mission and responsibilities to more expressly include students so that the ESGR's outreach activities will better serve the needs of all reservists. More study is needed to determine what legal or other protections might be reasonably afforded to student reservists, because a student's occupation is not directly comparable to that of an employee and because educational institutions would be affected by such changes in different ways than civilian employers.

The ESGR's volunteer ombudsmen are providing important contributions to the ESGR's mission; however, they are not always available to field telephone calls from reservists and employers and do not always report their outreach efforts. As a result, the ESGR cannot determine the magnitude or effectiveness of its mediation and outreach efforts and cannot determine whether its programs are being implemented in ways that are fair and transparent to all employers. The ESGR's tentative plans to move to a system whereby calls are handled centrally might yield more complete and accurate information regarding complaints, conflicts, and allegations so that they can be addressed promptly and consistently. Even with a different system for fielding calls, volunteers could continue to contribute to the ESGR's mission as they have in the past, but with fewer administrative responsibilities.

DOD recognizes that extended deployments can have a disruptive effect on both reservists and their employers and has emphasized the importance of providing sufficient advance notification of deployments to both parties. DOD has made several attempts over the last few years to achieve its goal of issuing orders 30 days in advance of deployments so that reservists can notify their employees promptly. Despite these efforts,

advance notification continues to be a problem, and the services have not complied consistently with the 30-day goal. Although there will always be cases in which the 30-day goal cannot be met due to the exigencies of military crises, a better understanding of why the goal is not being met would help the services know what they can do to reduce the incidence of insufficient advance notification. Additionally, giving employers the right to verify military duty lasting less than 31 days, as some employers desire, appears to be a reasonable accommodation that could be granted without undue hardship on the part of DOD or reservists.

The legislation that was intended to provide service members additional compensation for lengthy deployments has had the unintentional effect of penalizing a number of experienced reservists who want to deploy more than 400 days during a 2-year period. The requirements of the legislation are currently suspended, and reservists are free to volunteer as often as they like without the services having to pay them an extra $100 per day for service in excess of 400 days. However, the provisions of the legislation will go back into effect after the current partial mobilization ends. Allowing the services to use volunteers without paying the high-deployment per diem allowance could help minimize the negative effects and hardships associated with involuntary mobilizations and contribute to the long-term health of the reserve force.

A great deal of information has been regularly collected on reserve force deployments, operational tempos, recruiting, retention, and prior active-duty service, and additional survey and individual tempo data has recently been collected. Using this full range of data on an ongoing basis could help DOD identify trends and gain a better understanding of the reasons why reservists leave the reserves and why active-duty service members choose not to enter the reserves. This information could assist the ESGR in better formulating its outreach activities to employers.

Recommendations for Executive Action

In order to (1) increase the scope and effectiveness of DOD's outreach programs, (2) promote good relations between reservists and their employers or schools, and (3) increase an understanding of the effects of high operational tempos on reservists, we recommend that the Secretary of Defense, in conjunction with the Assistant Secretary of Defense for Reserve Affairs, take the following actions:

- Reexamine the provisions of the Privacy Act and determine whether requiring reservists to report information about their civilian employers is consistent with the act. If a positive determination is made, the

Secretary should require all reserve personnel to provide the Defense Manpower Data Center with the name, full address, and telephone number of their civilian employer, and update this information promptly, as necessary.

- Add students as a target population to the mission and responsibilities of the ESGR, study in depth the problems related to deployments that student reservists have experienced, and determine what actions the ESGR might take to help students and their educational institutions.

- Direct the ESGR to promptly finalize and implement its plans to have all calls to ombudsmen routed through a single toll-free number and central processing station.

- Direct the services to determine how many orders are not being issued 30 days in advance of deployments, and why. We recognize that it will not be possible to achieve the 30-day goal in all cases. Once the causes are clearly identified, the Secretary should direct the services to take the necessary corrective actions and periodically assess progress toward fuller compliance with the goal.

- Develop a policy so that reserve units will provide employers, upon request, with verification of military service periods lasting less than 30 days.

- Analyze the effects of the high-deployment per diem statutory provision on reservists, taking into account that deployment patterns for reservists are different from those of active duty members, and that virtually no reservists have been forced to deploy involuntarily for more than 400 days over a 730-day period; if warranted, propose changes to this statutory provision.

- Analyze, on an ongoing basis, departmental data on trends in the reserves for use in formulating outreach activities to employers.

Agency Comments and Our Evaluation

In written comments on a draft of this report, DOD generally concurred with our recommendations. The Department specifically concurred with our recommendations on 1) collection of employer information, 2) the needs of student reservists, 3) ombudsmen's assistance, 4) verification of service lasting less than 30 days, and 5) the use of data and trend analyses to formulate outreach activities.

DOD partially concurred with our recommendation concerning the timely issuance of orders. It agreed that it is important to issue orders in a timely fashion and said that its "objective" is to establish a policy requiring that orders be issued 30 days in advance, unless operational requirements dictate otherwise. It further stated that "there is merit to studying reasons why the Reserve components sometimes miss this (30-day) goal" and said it has encouraged the services to review their processes and establish metrics for internal management purposes. However, it did not concur with the need for the services to report quarterly progress toward achieving that goal, stating that this would create a "further" administrative burden on those involved with the order-writing process.

We believe that if DOD formalizes its 30-day goal as planned, and if the services 1) review their internal processes to determine why the goal has been missed and 2) establish advance notification metrics for internal management purposes, the intent of our recommendation will have been met, and routine reporting may be unnecessary. However, since DOD acknowledges that late orders are a recurring problem, despite several memos from the Office of the Assistant Secretary of Defense for Reserve Affairs stressing the importance of this issue, we believe it is important that sufficient attention be given to a clear identification of the reasons why units have not been able to comply more fully with the 30-day goal. A better understanding of the reasons is essential to identify corrective actions that need to be taken. In view of DOD's stated actions, we have modified our recommendation by dropping a quarterly reporting requirement and replacing it with a requirement to periodically assess the services' progress toward fuller compliance with the 30-day goal.

DOD did not concur with our recommendation to analyze the effects of the high-deployment per diem provision on reservists and, if warranted, to propose changes to the provision. It stated that when the policy was issued, senior leadership made a specific determination to include the reserve components, and it further suggested that it may be better to expand reserve participation in operational support missions. Although the determination to include reserve components in the policy may have been valid at the time the policy was issued, we believe that this decision should be reexamined in light of currently available information. For example, we found no cases in which the policy prevented or even limited "excessive" burdens being placed on reservists, even though DOD states that the objective of the policy is "to prevent excessive (temporary duty) burdens being placed on any active or Reserve member." And the services' reluctance to pay the high-deployment per diem allowance may result in reservists being called up involuntarily when others were willing to serve

additional time voluntarily. In units in short supply and heavy demand, some who could be called involuntarily may have already served extensively. As we noted in our report, involuntary and repeated call-ups could adversely affect reserve retention rates. Therefore, we continue to believe that DOD needs to further analyze the effects of the high-deployment per diem provision on reserve members and determine whether changes need to be made.

DOD also provided technical comments that we incorporated as appropriate. DOD's comments are reprinted in appendix IX.

We performed our work between December 2000 and April 2002 in accordance with generally accepted government auditing standards.

We are sending copies of this report to the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. This report will also be made available on GAO's home page at www.gao.gov.

If you or your staffs have any questions concerning this report, please contact me at (202) 512-3958. Others making key contributions to this report are included in appendix X.

Carol R Schuster

Carol Schuster
Director, Defense Capabilities and Management

Appendix I: Objectives, Scope, and Methodology

This report is issued in response to a request from the Personnel Subcommittee, Senate Committee on Armed Services, which asked GAO to review issues and challenges surrounding the increased use of reserve forces. As agreed with your offices, we (1) determined how increases in military operations have affected operational tempos of the reserve components and individual reservists and (2) assessed relations between reservists and their civilian employers, focusing specifically on the Defense department's outreach efforts designed to improve these important relationships.

To determine how increases in military operations have affected operational tempos of the reserve components and individual reservists, we collected and analyzed deployment data and identified areas where tempos were high or increasing. We then analyzed available retention data to see if any of the data followed the same patterns as deployment data.[1] We discussed the observed trends with top-level reserve officials throughout the Department of Defense. Meetings were held with Deputy Assistant Secretaries and other officials from the Office of the Assistant Secretary of Defense for Reserve Affairs (OASD/RA), the National Guard and Reserve General Officer Advisors to the Chairman of the Joint Chiefs of Staff, and with headquarters representatives from each of DOD's six reserve components. Specifically, we met with four reserve component commanders—the Directors of the Naval Reserve and the Air National Guard, both located in Arlington, Virginia; the Chief of the Air Force Reserve in the Pentagon; and the Director of the U.S. Marine Corps Reserve Affairs Division in Quantico, Virginia—and their staffs. We also met with key officials from the Office of the Chief of the Army Reserve and the Office of the Director of the Army National Guard, both located in Arlington, Virginia.[2]

[1] Both deployment and retention figures were available, but in many cases the figures were aggregated differently, which made it difficult to compare trends. Much of the available deployment data showed mobilization and demobilization dates for task force organizations but did not show what portion of the personnel in a particular unit deployed. Available attrition data was captured for traditional military units, divisions, wings, squadrons, battalions etc., but not for mission task force organizations.

[2] We did not meet with officials from the Department of Transportation's U.S. Coast Guard Reserve. However, we did obtain background information from DOD concerning Coast Guard reservists who, while comprising only about 1 percent of the nation's total reserve force, perform a number of key safety and security missions both at home and abroad.

To assess the Department of Defense's management of activities aimed at promoting employers' support of their reservist employees, we contacted officials from the National Committee for Employer Support of the Guard and Reserve (ESGR) in Arlington, Virginia, and local ESGR officials in California, Colorado, Ohio, Louisiana, Texas, and Wyoming. We obtained the information that DOD had collected on reservists' civilian employers and reviewed ESGR award data, as well as its data concerning employer problems. We also reviewed and analyzed data from the 1994 and 1997 Air Force Reserve Employer Support Surveys and the1999 Reserve Employer Survey commissioned by OASD/RA. We attended ESGR briefings and award ceremonies and the July 2001 and March 2002 symposiums between the airlines and the reserve components. We also asked high tempo units if they had any unit initiatives to reach out to their reservists' civilian employers.

To gain firsthand information from reservists and employers on how deployments had affected them, we collected deployment data and identified reserve units and personnel that had recently experienced high operating tempos. These included units within each of DOD's six reserve components. We did not randomly sample DOD's 1.3 million reservists to determine the effects of increased tempos due to the cost and time involved and because DOD had recently conducted a random survey of 75,000 reservists on related issues.

Because each service has a different mission and uses its reservists very differently, we developed a survey[3] to provide some baseline data for all the high tempo reservists we visited. Our visits were scheduled during normal drill weekends, and generally all reservists who were present at the drills were surveyed. In total 1,608 reservists were surveyed. Although our survey responses are not projectable to the total reserve population, all of DOD's reserve components were represented in the responses, as were different geographic locations throughout the country.[4] The events of September 11, 2001, made it impossible to complete all planned visits; however, some of the units that we had planned to visit distributed our

[3] Appendix V contains a copy of the survey. We had planned to compare the results of our high tempo survey to the results of DOD's survey of 75,000 randomly selected reservists. However, the results of DOD's survey had not been finalized when we ended our audit work in March 2002.

[4] A good portion of our work was conducted in Texas and California, the two states with the largest reserve populations. There are over 110,000 selected reserves in those two states.

surveys to their reservists even though we were not able to attend their monthly drills.

A list of the units and higher headquarters that we surveyed and visited follows:

Units
404th Civil Affairs Battalion (U.S. Army Reserve), Fort Dix, New Jersey
13th Psychological Operations Battalion (U.S. Army Reserve), Arden Hills, Minnesota
249th Signal Battalion (Texas Army National Guard), Mineral Wells, Texas
629th Military Intelligence Battalion (Maryland Army National Guard), Laurel, Maryland
48th Enhanced Infantry Brigade (Georgia Army National Guard), Macon, Georgia
648th Engineer Battalion (Georgia Army National Guard), Douglas, Georgia
USS Wadsworth (FFG-9) (U.S. Naval Reserve), San Diego, California
USS Curts (FFG-38) (U.S. Naval Reserve), San Diego, California
VP-65 Patrol Squadron (U.S. Naval Reserve), Point Mugu, California
Fleet Logistics Support Squadron 59 (U.S. Naval Reserve), Fort Worth, Texas[1]
4th Civil Affairs Group (U.S. Marine Corps Reserve), Naval District Washington, Anacostia Annex, District of Columbia
Marine Aerial Refueler Transport Squadron 452 (U.S. Marine Corps Reserve), Stewart Air National Guard Base, New York[1]
Marine Aerial Refueler Transport Squadron 234 (U.S. Marine Corps Reserve), Fort Worth, Texas[5]
2nd Battalion, 23rd Marines (U.S. Marine Corps Reserve), San Bruno, California[1]
336th Air Refueling Squadron (U.S. Air Force Reserve), March Air Reserve Base, California
729th Airlift Squadron (U.S. Air Force Reserve), March Air Reserve Base, California
187th Airlift Squadron (Air National Guard), Cheyenne, Wyoming
163rd Security Forces Squadron (Air National Guard), March Air Reserve Base, California
196th Aerial Refueling Squadron (Air National Guard), March Air Reserve Base, California
112th Fighter Squadron (Air National Guard), Swanton, Ohio[1]
180th Security Forces Squadron (Air National Guard), Swanton, Ohio[1]
180th Maintenance Squadron (Air National Guard), Swanton, Ohio[1]

[1]Command staff provided written answers to GAO questions, and unit personnel completed surveys, but we did not personally interview personnel from these units.

[5] We also met with the commanding officer of VMFA-112 and one of his pilots while we were visiting VMGR-234 at the Joint Reserve Base in Fort Worth, Texas. We did not survey personnel in VMFA-112, however, because their operational tempo was not as high as the tempo of the other units we visited.

Higher Headquarters Commands
U.S. Army Special Operations Command, Fort Bragg, North Carolina
U.S. Army Civil Affairs and Psychological Operations Command, Fort Bragg, North Carolina
29th Infantry Division (Light) (VA Army National Guard), Fort Belvoir, Virginia
49th Armored Division (TX Army National Guard), Camp Mabry, Texas
Naval Reserve Force, New Orleans, Louisiana
Naval Surface Reserve Force, New Orleans, Louisiana
Naval Air Reserve Force, New Orleans, Louisiana
Reserve Intelligence Area Four (U.S. Naval Reserve), San Diego, California
Naval Air Reserve Point Mugu, California
Deputy Chief of Staff for Manpower and Reserve Affairs, Reserve Affairs Division (U.S. Marine Corps Reserve), Quantico, Virginia
452nd Air Mobility Wing (U.S. Air Force Reserve), March Air Reserve Base, California
446th Airlift Wing (U.S. Air Force Reserve), McChord Air Force Base, Washington
Headquarters California Air National Guard, Sacramento, California
153rd Airlift Wing (Air National Guard), Cheyenne, Wyoming
163rd Air Refueling Wing (Air National Guard), March Air Reserve Base, California
180th Fighter Wing (Air National Guard), Swanton, Ohio

During our unit visits, we also held focus group discussions with reservists who had recently deployed. The discussions centered on reservists' relationships with their civilian employers, the types of support that the reservists had received during their deployments, and steps that could be taken to improve support during future deployments. However, we also discussed ways that DOD and the services could improve their support to reservists.

To gain the perspective of reservists' employers, we contacted the U.S. Chamber of Commerce and held discussions with local employers in Austin, Texas; Dallas/Fort Worth, Texas; and Los Angeles, California. We also met with representatives from the major passenger and cargo airlines at the 2001 Military/Airline Symposium in Dallas, Texas, and the 2002 symposium in Crystal City, Virginia. We also reviewed the results of OASD/RA's 1999 employer survey and reviewed ESGR data on model employers and employer problems. In addition, we mailed a survey to 359 employers of the reservists we visited. Because neither DOD[6] nor any of

[6] Following the events of September 11, 2001, DOD encouraged the services to collect employer information from mobilized reservists for future input into an automated data base. By November 6, 2001, the on-line data base was fully functional and the services and individual reservists were able to enter data through the Defense Manpower Data Center Web site. However, by May 14, 2002, more than 73,000 reservists had been mobilized and the data base contained fewer than 11,000 employer records.

the services had a complete and reliable data base with the names and addresses of their reservists' civilian employers, we obtained employer names and addresses during our unit visits and mailed them our survey. These employers were not randomly selected; therefore, our results are not projectable to all employers. However, those surveyed included both small and large employers; federal, state, and local government entities; and private-sector firms.[7]

We conducted our review from December 2000 through April 2002 in accordance with generally accepted government auditing standards.

[7] Appendix VII contains a copy of the survey, and appendix VIII provides additional details about the employers who responded to the survey.

Appendix II: Operational Tempos of the Reservists We Surveyed

We surveyed 1,608 reservists from high tempo units (appendix I contains a list of the units we visited and contains additional details on our survey methodology). Of the 1,608 reservists we surveyed

- 1,308 were "traditional" drilling reservists,
- 202 were Active Guard and Reserve (AGR) or other full-time reserve members,
- 20 left the question about the nature of their reserve service blank, and
- 78 were Military Technicians who were required to be "drilling" military members of their units in order to maintain their full-time civilian positions with the units.

Question #15 of our survey asked reservists to fill in the number of days they had spent on reserve duty between September 2000 and August 2001 (the start of our unit visits). Of the 1,308 traditional reservists that we surveyed

- 712 performed more than the normally expected level of duty (39 days),
- 476 performed between 1 and 39 days of duty,[1] and
- 120 left the question blank or performed no duty during the designated period.[2]

In response to survey question #15, 1,188 traditional reservists said that they had duty. The table below summarizes their responses.

[1] Some of the reservists with low duty levels were not in the reserves in September 2000 and joined part-way through the period covered by our question (September 2000 to August 2001).

[2] Some reservists joined the reserves between the cut-off date for our question (August 2001) and the times when we distributed our last surveys (during a unit visit in January 2002).

"Traditional" Reservists We Surveyed Who Had Duty (Sep. 2000 – Aug. 2001)		
Amount of Duty	**Number of responses**	**Percentage of responses**
1-39 days	476	40%
40-59 days	237	20%
60-89 days	164	14%
90-179 days	129	11%
180-269 days	113	10%
270 or more days	69	6%
Total	**1,188**	**101%[a]**

[a]Adds to more than 100 percent due to rounding.

We also asked the reservists to tell us about their duty in the 2 previous years. Forty-four of the 1,308 "traditional" reservists said that they averaged at least 180 days of duty per year over the entire 3-year period. Another 253 reservists said they spent 180 days or more on duty during 1 or 2 of the 3 years. About one-third of the reservists we surveyed had spent at least 90 days on duty during 1 year during the period from September 1998 through August 2001.

Appendix III: Selected Allegations of Problems with Employers or of Exceptional Benefits Provided by Employers to Reservists

During our focus group discussions with reservists from high operational tempo units, a number of reservists cited problems they allegedly had with their employers as a result of their recent military service. (Many of these reservists had recently deployed overseas, but the reservists were not all deployed at the same time or for the same length of time.) Some alleged that their employers, while not breaking the law, had acted in ways that, if true, violated the spirit of USERRA. Yet a number of reservists also told us of ways in which their employers went out of their way—and beyond the requirements of the law—to support them. Reservists we interviewed worked for both public and private employers and in firms of all sizes, from Fortune 500 companies with more than 100,000 employees to firms with a handful of employees.

It should be noted that we did not verify the statements made to assess their accuracy, and we did not follow up with the Department of Labor or the ESGR to determine whether or how problems were resolved. Appendix IV contains a summary of some of the provisions of USERRA, in layman's language.

Examples of Problems Identified by Reservists

Many of the examples below, if true, may have been violations of the law; others are examples of questionable practices; still others are examples of the hostile work environments that some reservists face.

- One Army National Guard member said he was placed on 90-day probation, lost his seniority, was denied the annual raise that went into effect during his absence, and lost vacation time and other benefits.
- One Army National Guard member alleged that she was denied a raise, bonuses, vacation time, and the right to purchase 600 shares of company stock after her deployment.
- One Army National Guard member was told he would have to reapply for his job. He did, but after waiting 4 months for a response, he found work elsewhere.
- One Army National Guard member said the company for which she had worked for 13 years laid her off in her absence as part of a downsizing and subtracted 1 week of vacation time and 3 personal days of leave.
- One Army National Guard member who worked for a defense contractor said she was denied a raise and some accrued leave.

- One Army National Guard member said he was demoted, lost his title and his office, was given menial tasks, and was denied a raise.
- One Army National Guard member said she was fired. Her supervisor told her that the work she was contracted to perform was finished and that there was nothing left for her to do.
- One Army National Guard member alleged that his employer denied him a pay raise that he was due.
- One Army National Guard member said that although the company president was very supportive of her military obligations, her supervisor was not. The supervisor apparently told her she was passed over for promotion and did not receive a raise because she had not performed at the same level as others, due to her absence.
- One Army National Guard member who works for the federal government said he was denied a raise and was passed over for promotion because he had been away on deployment.
- One Army National Guard member said his employer canceled his health benefits.
- One Army National Guard member said he was fired immediately upon giving his employer advance notice of his deployment. The employer, a religious organization, allegedly told the reservist that USERRA does not apply to religious institutions.
- One Army National Guard member said he was fired, allegedly for missing a deadline while he was on deployment.
- One Army National Guard member said he was told he no longer had a job because his employer had hired someone else during his absence.
- One Army National Guard member had to wait 30 days to have his health benefits reinstated when he returned to his job.
- One Army National Guard member said his employer took away 2 personal holidays because he had been unable to use them during deployment.
- One Army National Guard member said he was denied a Christmas bonus that was given to all full-time workers.

- One Army National Guard member said he was denied a raise. He was deployed for 270 days, and when he returned, there were only 6 days left in the evaluation cycle. His employer told him that 6 days is not enough to use as a basis for a rating, and therefore did not approve a raise.

- One Army Reserve member said he was fired before his deployment, shortly after he attended a 2-week training session and a 3-week exercise.

- One Army Reserve member said he was denied vacation time and was warned he would be fired if he remained in the reserves.

- One Army Reserve member said he had to reapply for his health insurance benefits and faced a waiting period before coverage resumed.

- One Army Reserve member who works for a government agency said he was not allowed to contribute to his Thrift Savings Plan while deployed and "had trouble" returning to his job and lost some status.

- One Army Reserve member was told that because the company's health care provider had changed during his absence, there would be a probationary period before his health coverage would become effective.

- One Air Force Reserve member said he was fired, adding that his district manager made it known that he did not like the idea of reserve participation.

- One Air Force Reserve member was denied a request to take 1 paid day of leave before and after a weekend drill and said she was forced to take unpaid leave instead. She was also told that she would have to take leave for all future reserve duty that conflicted with her job.

- One Air National Guard member stated that he lost dental insurance coverage.

- One Air National Guard member said he was removed from the promotion list several times because of the time that he spent on reserve duty.

- One Air National Guard member said his employer unfairly terminated him and actively discourages participation in the reserves.

- One Air National Guard member who worked for a local law enforcement agency said he was fired, and that his department head deliberately transferred or "drove out" reservists.

- One Naval Reserve member said he was fired just before being deployed.

- One Marine Corps Reserve member said that when she told her new employer at a federal agency that she wanted to join the reserves, her supervisor warned her it would not be a good idea to join the reserves during her probationary period.

- One Air National Guard member said that the probationary period at his job is longer for reservists and that being in the reserves is a setback for promotion consideration.

- One Army National Guard member who worked for a defense contractor said that her supervisor and co-workers treated her with hostility. In addition, she said that she was given limited and less desirable tasks as a result of her reserve duty.

- One Army National Guard member said his supervisor asked him whether he had volunteered or had been ordered to active duty. The reservist believed that his supervisor would have fired him, had he volunteered.

- One Army National Guard member said that although his supervisor was very familiar with agency policy, someone in the personnel department was not. As a result, he was charged leave for his military duty.

- One Army National Guard member said that his supervisor constantly harasses him, asking "When are you planning to leave the Guard?"

- One Army Reserve member said his employer offered him a promotion on the condition that he not deploy to Bosnia.

- Two Air National Guard members who worked for a local law enforcement agency said they were "reproached" by their supervisors

as a result of their military duties and questioned regarding their "loyalty" to the department.

- One Air National Guard member, on return to his job, was assigned to night shift duty. His supervisor told him that the change was temporary.
- One Air Force Reserve member said his employer has a policy of denying employees the ability to "bid" for jobs if they are deployed for more than 179 days.

Examples of Additional Benefits Provided by Employers

Many employers provide additional pay, as well as benefits that exceed the requirements of USERRA. The following examples, cited by service members, illustrate some of these benefits.

- A Fortune 500 company that employs some 100,000 people provided an Army National Guard member with differential pay and health and life insurance coverage while on deployment.
- A company with roughly 400 employees provided an Army National Guard member with differential pay.
- Another company provided an Army National Guard member differential pay based on his years of experience.
- An educational institution offered a teacher who is also in the Army National Guard differential pay during the duration of his deployment.
- An oil company offered one of its Army National Guard employees differential pay during his deployment.
- One company provided an Army National Guard member with health care coverage and full salary for 90 days during a deployment.
- A state education board offered to pay 4 months salary to an Army National Guard member during deployment.
- A telecommunications company paid 100 percent of an Army National Guard member's health care premiums during a deployment that exceeded 30 days.

- A Fortune 500 company paid an Army Reserve member his full salary during deployment.
- A large corporation notified an Army Reserve member of a promotion opportunity and held the position open for 3 months, until the reservist returned from deployment. The company also provided extended leave after deployment and sent care packages and letters during the deployment.
- A large accounting and consulting firm provided 4 weeks' paid vacation, 2 weeks' pay for annual training, and 2 weeks of differential pay to a Marine Corps Reserve member during deployment.
- A medium-sized law firm provided a Marine Corps Reserve member 1 month's salary and 2 weeks of paid vacation.
- One company provided a Marine Corps Reserve member with health insurance coverage and 1 month's salary during a deployment.

Appendix IV: Some Key Provisions from the Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994, enacted October 13, 1994 (Public Law 103-353 codified in Title 38 U.S. Code, Chapter 43, sections 4301-4333), addresses employee rights after involuntary and voluntary military service. The law covers both active duty military members and reservists and applies following basic training, weekend drills, and annual training, as well as during times of national emergency. This appendix summarized only those provisions of USERRA that are referred to in the report and does not attempt to discuss these provisions in detail.

- **Advance notice**. The law requires that service members provide their employers with advance notice of military service. Notice may be either written or oral. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving. However, no notice is required if military necessity prevents the giving of notice, or it is otherwise impossible or unreasonable to give notice.

- **Duration of service**. To retain reemployment rights, cumulative absences for military service may not exceed 5 years with respect to the particular employer relationship for which a person seeks reemployment. However, many military absences do not count against this limit. Therefore, it is very unlikely for reservists to exceed the 5-year limitation unless they accept voluntary orders for extended active duty periods. The following are some of the types of duty that do not count against the 5-year limitation:

    - required training for Reserve and National Guard members, such as annual training and weekend drills;

    - duty during a war or national emergency;

    - duty under involuntary orders during a domestic emergency or national security related situations;

    - service by volunteers who are ordered to active duty in support of a "critical mission or requirement" in times other than war or national emergency and when no involuntary call-up is in effect; and

    - federal service by members of the National Guard called into action by the president to suppress an insurrection, repel an invasion, or to execute the law of the United States.

- **Reporting back to work**. Time limits for returning to work generally depend on the duration of a person's military service.[1]

  - Service of 1 to 30 days - After returning from duty, service members must report back by the beginning of the first regularly scheduled work period on the first full calendar day and the expiration of 8 hours. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.

  - Service of 31 to 180 days - Service members must submit an application for reemployment no later than 14 days after the completion of their military service. If submission of a timely application is impossible or unreasonable, the application must be submitted as soon as possible.

  - Service of 181 or more days - Service members must submit an application for reemployment no later than 90 days after the completion of their military service.

The reporting or application deadlines are extended for up to 2 years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service. Such 2-year period shall be extended for the minimum time required to accommodate circumstances beyond the person's control. If the person fails to report to work or to apply for reemployment within the required time limits, the person will be subject to the employer's rules governing unexcused absences.

- **Documentation upon return**. An employer has the right to request that a person who is absent for a period of service of 31 days or more provide documentation showing that the person's reemployment is timely, and that the person has not exceeded the 5-year service limitation and the person's separation from service was other than disqualifying under 38 U.S.C. §4304. If a person does not provide satisfactory documentation because it is not readily available or does not exist, the employer still must promptly reemploy the person.

[1] With the exception of fitness-for-service examinations.

- **Placement of eligible persons in a job**.

  - Service of 1 to 90 days - The Service members shall be promptly reemployed in the following order of priority: (A) in the position the person would have held had the person remained continuously employed so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer to qualify the person; or (B) in the position of employment in which the person was employed on the date of the beginning of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person. Employers do not have the option of offering other jobs or equivalent seniority, status, and pay.

  - Service of 91 or more days - In addition to the priority above, if a person cannot become qualified for the positions in (A) or (B) above, then in any other position of lesser status and pay, but that most nearly approximates the above positions (in that order) that the employee is qualified to perform with full seniority.

- **Seniority and non-seniority rights**. Reemployed service members are entitled to the seniority-based rights and benefits that they would have attained with reasonable certainty if they had remained continuously employed. Additionally, departing service members must be treated as if they are on a leave of absence. Consequently, while they are away they must be able to participate in any rights and benefits that are available to other employees who are on nonmilitary leaves of absence. If there are different types of nonmilitary leave, the service members must be accorded the most favorable type of leave.

- **Vacation pay**. Service members must be permitted to use any vacation they had accrued before the beginning of their military service, instead of unpaid leave. However, service members cannot be forced to use vacation time for military service.

- **Health benefits**. Health benefit continuation is provided for persons who are absent from work to serve in the military. Service members may continue their health coverage for up to 18 months after their absences begin or for their periods of service (plus the time allowed to apply for reemployment), whichever is shorter. The premiums that an employee can be charged depend on the length of the employee's absence.

- Military service of 30 days or less - Service members cannot be charged more than the normal employee share of any premium.

- Military service of 31 days or more - Service members can be charged up to 102 percent of the full (employee and employer) premium for the coverage.

No waiting periods or exclusions can be imposed upon reinstated employees who would have maintained their health coverage if they had not been absent for military service.

- **Discrimination**. The Act prohibits discrimination on the basis of uniformed service status. Employment discrimination because of past or future military obligations is prohibited.

Appendix V: Guard and Reserve Member Survey

United States General Accounting Office

Guard and Reserve Careers

Purpose

The U.S. General Accounting Office (GAO)—an agency of the Congress—is reviewing employer support for Guard and Reserve forces. This review is being conducted at the request of the Senate Armed Services Committee, Subcommittee on Personnel. We are assessing the effects of the changing nature of Guard and Reserve service. To assess these changes, we need to consider the experiences of men and women like you.

Privacy Protection

This is a private, confidential GAO questionnaire. GAO takes steps to protect the confidentiality of responses to confidential questionnaires. As a result GAO has never identified the responses to a confidential questionnaire. The solicitation of anonymous answers without any identifying names helps to protect the confidentiality of responses if Congressional or other legal requests compelled GAO to release questionnaires.

Completing This Questionnaire

- **This is not a test. There are no right or wrong answers.**
- **You can use a pen or pencil.**
- **Select answers that you believe are most appropriate.**
- **Fill in the appropriate circle or circles.**

Length of Military Service

1. **How long have you been in the National Guard or Reserve?** *Round to the nearest whole year.*
   ____ years

2. **How long have you served in each of the following components?** *Fill in each blank. Round to the nearest whole year. Write "0" in the blank if you have not been a member of that component.*
   - O **a. Army Reserve?** _____years
   - O **b. Army National Guard?** _____years
   - O **c. Naval Reserve?** _____years
   - O **d. Marine Corps Reserve?** _____years
   - O **e. Air Force Reserve?** _____years
   - O **f. Air Force National Guard?** _____ years
   - O **g. Coast Guard Reserve?** _____ years

3. **How long have you served in your current unit?** *Round to the nearest whole year.*
   ____ years

4. **How long have you served in each of the following active duty services?** *Fill in each blank. Round to the nearest whole year. Write "0" in the blank if you have not been a member of that component.*
   - O **a. Army?** _____years
   - O **b. Navy?** _____years
   - O **c. Marine Corps?** _____years
   - O **d. Air Force?** _____years
   - O **e. Coast Guard?** _____years

5. **What is your career intention?** *Fill in one circle.*
   - O Stay past 20 years
   - O Get out at 20 years
   - O Undecided
   - O Get out at the first opportunity

Nature of Your Service

6. **What is your Guard or Reserve status?** *Fill in one circle.*
   - O Traditional "Drilling" Guard or Reserve member
   - O MILTECH
   - O AGR or other full-time Reservist

7. **What are your primary and secondary/prior occupational specialties (MOS, AFSC, rating, or designator)?**
   a. _____ **Current primary designator**
   b. _____ **Prior or secondary designator**

8. **Why did you affiliate with your current unit?** *Fill in all that apply.*
   - O a. **Unit's location**
   - O b. **Type of unit or types of positions within the unit**
   - O c. **Joined unit to accept a promotion**
   - O d. **Joined unit to increase my chances of promotion**
   - O e. **Joined because of the unit's high tempo and deployment schedule**
   - O f. **Joined because the unit rarely, if ever deploys**
   - O g. **Other** (*specify*): _____

9. **Which of the reason(s) that you marked in the prior question is the primary reason for joining your unit?** *Specify the letter associated with the reason.*
   ____

Other Factors Related to Your Service

10. **Do you have a job or attend college outside the Guard or Reserve?** *Fill in all that apply.*
    - O Yes, work full-time
    - O Yes, work part-time
    - O Yes, attend college full-time
    - O Yes, attend college part-time
    - O No→***Skip to Question 14***

11. **Does the company you work for employ more than five people?** *Fill in one circle.*
    - O Not applicable, I do not work full- or part-time
    - O Yes
    - O No

12. **Does your boss know that you are in the Guard or Reserve?** *Fill in one circle.*
    - O Not applicable, I do not work full- or part-time
    - O Yes
    - O No

13. **Does your job or college require you to work/attend more than 12 Saturdays or Sundays per year?** *Fill in one circle.*
    - O Yes
    - O No

14. **How far do you travel to and from (round trip) your weekend drill site?** *Provide actual or estimated mileage rounded to the nearest whole mile.*
    ____ miles

15. **How many days did you spend on each type of reserve duty over the past 36 months?** *Fill in **the number of days for each of the 12 combinations of year and type of activity**. Write "0" in the blank if you did not spend any time doing the activity in the specified year. DO NOT DOUBLE COUNT DAYS IN MORE THAN ONE CATEGORY. If an overseas deployment counted for annual training choose to put the days in EITHER the annual training OR the "other" category but NOT IN BOTH categories.*

	Sep 1998-Aug 1999	Sep 1999-Aug 2000	Sep 2000-Aug 2001
a. Annual training			
b. Weekend drills			
c. Schools			
d. Other duty—special work, exercises, deployments, etc.			

16. **Which of the following statements best describes the effect of OPTEMPO on your reserve career intention?** *Fill in one circle.*
    - O OPTEMPO will not affect my career decision at all
    - O OPTEMPO might affect my career decision if my unit's tempo exceeded ____ days per month (*specify the number of days per month*)
    - O OPTEMPO is the primary reason that I am considering leaving.
    - O OPTEMPO is one of several reasons I am considering leaving (*specify other reasons*): _____

Comments

17. **Please use the space below to provide any additional comments about the topics covered in this survey. If the comments pertain to a particular item or set of items, please indicate the item number(s) before the comment.**

_____

Thank you for your participation.

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Appendix VI: Employer Survey

United States General Accounting Office

Guard and Reserve Careers: Employer Survey

Purpose

The U.S. General Accounting Office (GAO)—an agency of the Congress—is reviewing employer support for Guard and Reserve forces. This review is being conducted at the request of the Senate Armed Services Committee, Subcommittee on Personnel. We are assessing the effects of the changing nature of Guard and Reserve service. To assess these changes, we need to consider the experiences of employers like you. If you have any questions, please contact J. Kristopher Keener by e-mail (keenerj@gao.gov) or telephone (202-512-9310).

Privacy Protection

GAO will take steps to protect the privacy of the information you or your organization provides. For that reason, we have purposefully not asked you to provide information that can identify you or your organization. **Your responses will be aggregated in our report, and you and your organization will not be individually identified.**

Your Organization

1. **Which of the following best describes your organization?**
   - O Federal government
   - O State or local government
   - O Manufacturing
   - O Professional/Technical
   - O Marketing
   - O Service
   - O Other _____

2. **During the last 12 months, how many weeks did your organization require employees to work weekend shifts?**
   - O Always
   - O Frequently
   - O About half the time
   - O Seldom
   - O Never

3. **Does your organization have peak times that either require employees to work extra hours or the organization to hire temporary employees?**
   - O Yes
   - O No → *Skip to Question 5*

4. **When is the peak time (for example peak season) for your organization**? *Please specify the months.*
   _____

5. **How many employees work in your organization?** *If your organization has more than one location/office, please answer for only the location where this survey was sent.*
   ____ # of Employees

6. **What portion of your organization's employees are veterans?** *Please give your best estimate.*
   _____ % of Employees

7. **Is your organization aware of the requirements in Uniformed Services Employment and Reemployment Rights Act (USERRA)?**
   - O Yes
   - O No

Information on Guard or Reserve Employees

8. **How many of the employees specified in Question 5 serve in the Guard or Reserves?** *Please give your best estimate.*
   ____ # of Employees

9. **To which Guard or Reserve components do your employees belong?** *Mark all that apply.*
   - O Army National Guard
   - O Air National Guard
   - O Army Reserve
   - O Air Force Reserve
   - O Navy Reserve
   - O Marine Corp Reserve
   - O Don't know

10. **Approximately how many days a year is your organization's average Guard/Reserve employee absent from the work place to perform military duties?** *Please give your best estimate.*
    ____ # of Days

11. **During the last 3 years, have any of your organization's Guard/Reserve employees been on military duty for a single deployment of at least 16 days?**
   - O Yes
   - O No → *Skip to Question 13*
   - O Don't know → *Skip to Question 13*

12. **During the last 3 years, how many days was the longest deployment?** *Please give your best estimate.*
   ____ # of Days

13. **On average, how many days in advance does your organization's employees supply notification for absences related to military activities?** *Please give your best estimate.*
   _____ # of Days

14. **How many days does your organization consider adequate for notification of absences related to military activities?**
   _____ # of Days

15. **During the last 3 years, has your organization experienced problems related to employee absences for military service?**
   - O Yes
   - O No → *Skip to Question 18*

16. **What were the problems indicated in Question 15?** *Mark all that apply.*
   - O Short notice before leaving
   - O Verifying of orders to ensure the employee needs to be absent
   - O Length of deployment
   - O Too many deployments
   - O Unavailability during annual training
   - O Unavailability during weekend drill
   - O Other _____

17. **How were they resolved?** *Mark all steps that apply to you.*
   - O Discussions with the Reservist
   - O Discussions with the Reservist's chain of command
   - O Discussions with the Employer Support of the Guard and Reserve
   - O Discussions with your organization's legal counsel
   - O Unresolved, still working on problem
   - O Other _____

18. **Does your organization ask potential employees about their Reservist affiliation in application forms or job interviews?**
   - O Yes
   - O No
   - O Don't know

19. **Does your organization offer any of the following to Reservists on deployments of 30 or more days?** *Mark all that apply.*
   - O Full pay (even though they are not at work)
   - O Differential pay (to make up the balance between their regular and military pay)
   - O Organization pays full cost of health insurance premiums as it always does
   - O Organization pays both its usual share and the employee's share of health insurance premiums
   - O Organization and employee each pay their usual share of health insurance premium
   - O Organization pays none of the health insurance costs but allows employee to pay full costs
   - O Life insurance
   - O None of the above
   - O Other _____

20. **There is proposed legislation in Congress that would authorize a $7,500 annual Federal tax credit for any organization that employs Reservists. Would your organization file for this credit if it becomes available?**
   - O Yes
   - O No, because this organization is not taxed
   - O No, for other reasons

21. **Are there any actions or incentives that your organization believes could improve employer support for the Guard and Reserve?**
   - O Yes → *Please specify in Question 22*
   - O No
   - O Don't know

Comments

22. **Please use the space below to provide any additional comments about the topics covered in this survey. If the comments pertain to a particular question(s), please indicate the question number(s) before the comment.**

_____
_____
_____
_____
_____
_____
_____
_____
_____

Thank you for your participation.

Please return survey to J. Kristopher Keener at:
U.S. General Accounting Office
441 G Street NW, 4A12, Washington, DC 20548

Appendix VII: Characteristics of Employers that Responded to Our Survey

We received 111 responses to the survey we sent to 359 employers of reservists in the high tempo units included in our analysis. This response rate was much lower than anticipated for several reasons. First, after we had mailed our survey to the employers, all U.S. Postal Service mail deliveries to GAO were suspended due to anthrax concerns. Second, we did not include any surveys that arrived after March 29, 2002. Finally, because survey responses were anonymous, we could not conduct phone surveys with employers who had not responded to the mail survey. Because we did not survey a random sample of reservists' employers, the results of our survey are not projectable to all employers. However, the responses came from a variety of different types and sizes of employers as summarized below. These organizations:

- Represented employers of different sizes—from 4 to 41,810 employees

Responses to Survey Question #5		
How many employees work in your organization?		
Number of employees in the organization	**Number of respondents (employers)**	**Percentage of respondents (employers)**
4 to 10	13	12%
11 to 100	36	32%
101 to 500	31	28%
More than 500	30	27%
Question left blank	1	1%
Total	**111**	**100%**

- Had different numbers of reservist employees—from 0 to 763

Responses to Survey Question #8		
How many employees serve in the Guard or Reserves?		
Number of Guard or Reserve members in the organization	**Number of respondents (employers)**	**Percentage of respondents (employers)**
0	4	4%
1	31	28%
2 to 4	24	22%
5 to 10	22	20%
11 to 50	19	17%
Over 51	4	4%
Question left blank	7	6%
Total	**111**	**101%**

Note: figures add to 101% due to rounding.

- Represented all sectors of the economy
  - Federal Government Agencies (7)
  - State and Local Governments (31)
  - Manufacturing Firms (11)
  - Professional/Technical Organizations (13)
  - Marketing Firms (3)
  - Service Providers (25)
  - Other (21)
    - Health Care Providers
    - Mining Firms
    - Banks
    - Construction Firms
    - Churches/Religious Organizations
    - Transportation Providers
    - Non-profit Institutions

- Came from at least 12 different states and the District of Columbia
  - Alabama (1)
  - California (16)
  - District of Columbia (2)
  - Kansas (1)
  - Maryland (6)
  - Minnesota (1)
  - North Carolina (2)
  - New Jersey (2)
  - New York (5)
  - Texas (6)
  - Utah (1)
  - Virginia (17)
  - Wyoming (12)

Note: To help protect the anonymity of respondents, the surveys did not ask the respondents for their names or locations. However, the respondents were asked to separately mail a post card that indicated the employer had completed the survey. The information on the location of the respondents came from the post cards, not from the surveys. Unfortunately, we received only72 post cards to go with the 111 surveys.

Appendix VIII: Reserve Recruiting—Goals and Annual Accessions (1992–2001)

		ARNG	USAR	USNR	USMCR	ANG	USAFR	DOD Total
FY92	Goal	65,233	59,700	17,887		10,376	10,423	163,619
FY93	Goal	68,177	50,600	19,537	10,140	10,454	10,592	169,500
FY94	Goal	69,710	46,500	13,144	11,122	10,325	10,434	161,235
FY95	Goal	60,649	47,732	13,660	11,748	8,496	12,578	154,863
FY96	Goal	61,793	50,179	16,850	10,388	11,000	7,090	157,300
FY97	Goal	59,262	47,935	16,950	10,063	9,996	9,702	153,908
FY98	Goal	56,638	47,940	15,329	10,174	8,004	10,874	148,959
FY99	Goal	56,958	52,084	20,455	9,464	8,520	11,791	159,272
FY00	Goal	54,034	48,461	18,410	9,341	10,080	9,624	149,950
FY01	Goal	60,252	34,910	15,250	8,945	11,808	8,051	139,216
FY92	Accessions	71,700	67,342	17,864		11,606	10,533	179,045
FY93	Accessions	67,360	50,255	18,367	10,216	9,163	10,908	166,269
FY94	Accessions	61,248	47,412	13,006	11,236	9,177	11,464	153,543
FY95	Accessions	56,711	48,098	13,701	12,043	8,351	9,757	148,661
FY96	Accessions	60,444	46,187	16,820	12,566	9,958	7,566	153,541
FY97	Accessions	63,495	47,153	17,106	10,744	9,986	8,383	156,867
FY98	Accessions	55,401	44,212	14,986	10,213	8,744	8,877	142,433
FY99	Accessions	57,090	41,784	15,715	9,565	8,398	7,518	140,070
FY00	Accessions	61,260	48,596	14,911	9,465	10,730	7,740	152,702
FY01	Accessions	61,956	35,622	15,344	9,117	10,258	8,826	141,123
FY92	Goal Achievement	109.9%	112.8%	99.9%		111.9%	101.1%	109.4%
FY93	Goal Achievement	98.8%	99.3%	94.0%	100.7%	87.7%	103.0%	98.1%
FY94	Goal Achievement	87.9%	102.0%	99.0%	101.0%	88.9%	109.9%	95.2%
FY95	Goal Achievement	93.5%	100.8%	100.3%	102.5%	98.3%	77.6%	96.0%
FY96	Goal Achievement	97.8%	92.0%	99.8%	121.0%	90.5%	106.7%	97.6%
FY97	Goal Achievement	107.1%	98.4%	100.9%	106.8%	99.9%	86.4%	101.9%
FY98	Goal Achievement	97.8%	92.2%	97.8%	100.4%	109.2%	81.6%	95.6%
FY99	Goal Achievement	100.2%	80.2%	76.8%	101.1%	98.6%	63.8%	87.9%
FY00	Goal Achievement	113.4%	100.3%	81.0%	101.3%	106.4%	80.4%	101.8%
FY01	Goal Achievement	102.8%	102.0%	100.6%	101.9%	86.9%	109.6%	101.4%

ARNG—Army National Guard

USAR—United States Army Reserve

USNR—United States Naval Reserve

USMCR—United States Marine Corps Reserve

ANG—Air National Guard

USAFR—United States Air Force Reserve

In fiscal year 2001, five of DOD's six reserve components achieved their recruiting goals. While this is a significant accomplishment, recruiting

results of the recent past indicate that recruiting figures should continue to be scrutinized closely. The fiscal year 2001 success did not come without a cost. In recent years the services have had to increase the size of their recruiting forces, expand their bonus programs, increase their education incentives, and increase their advertising budgets. In addition, the nation was in a recession in 2001.

While recruiting goals are important, the services and reserve components view recruiting within the context of their programmed end strengths. If retention is better than expected in a particular year, then the reserve components may achieve their desired end strengths without achieving their recruiting goals. This was the case for the Air National Guard in fiscal year 2001; it achieved only 82 percent of its recruiting goal, but achieved 100.4 percent of its end strength.[1]

While end strengths are more important than recruiting figures in the short term, a service or component that consistently misses its recruiting goals is likely to eventually suffer long term consequences, regardless of its end strength position. A component that repeatedly misses its recruiting goals will need to continue retaining a higher-than-average percentage of recruits during subsequent years or it will eventually become out of balance, with too many senior personnel and not enough junior personnel. Over time, increasing numbers of personnel at the senior levels make it more difficult for those people to be promoted. Decreased promotion rates tend to lead to increased attrition rates, which would lead to end strength problems if a component were already having problems meeting its recruiting goals.

[1] The Air National Guard uses projected retention rates to set an annual recruiting goal that will lead to its desired end strength. It does not adjust this recruiting goal throughout the year. Therefore, when retention was better than expected in 2001, the Air National Guard made a conscious decision to recruit less than its goal in order to achieve its desired end strength.

Appendix IX: Comments from the Department of Defense

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, DC 20301-1500

RESERVE AFFAIRS

30 MAY 2002

Ms. Carol R. Schuster
Director, Defense Capabilities Management
U.S. General Accounting Office
Washington, D. C. 20548

Dear Ms. Schuster:

This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report GAO-02-608, "RESERVE FORCES: DoD Actions Needed to Better Manage Relations Between Reservists and Their Employers," dated May 1, 2002 (GAO Code 702099). This office appreciates the opportunity to review and comment on the draft GAO report and offers the following comments and concerns.

Although the audit began in December 2000, much of the analysis was accomplished during a time of turbulence in the DoD as the War on Terrorism had increased operational tempos for the Reserve components. In this regard, the GAO acknowledges that the events of September 2001 limited their survey responses, and the face-to-face interviews of Reserve component members focused on only a small cross section of high usage units and are admittedly not projectable to the entire Reserve force.

While in general concurrence with the recommendations, this office has concerns with the specific tracking and reporting requirements in recommendation number four concerning the timely issuance of orders. While there is merit to studying reasons why the Reserve components sometimes miss this goal, the requirement for reporting would create a further administrative burden on those engaged in the order issuance process. However, the Department has encouraged the components to review their processes and establish metrics for internal management purposes. We will continue in our overall efforts to improve the timeliness of receipt of mobilization and deployment orders by Reserve component members.

We also have concerns with recommendation number six. The Department made a specific recommendation, in coordination with the Reserve components senior leadership, to include the RCs in this aspect of the High Deployment policy

Suggested technical changes for clarification and accuracy have been provided separately to the GAO staff.

The DoD comments to the draft report recommendations are provided in the enclosure.

Sincerely,

Craig W. Duehring
Principal Deputy

Enclosure:
As stated

GAO CODE 702099/GAO-02-608

"RESERVE FORCES: DOD ACTIONS NEEDED TO BETTER MANAGE RELATIONS BETWEEN RESERVISTS AND THEIR EMPLOYERS"

DEPARTMENT OF DEFENSE COMMENTS TO THE RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, reexamine the provisions of the Privacy Act and determine whether requiring Reservists to report information about their civilian employers is consistent with the act. If a positive determination is made, the Secretary should require all Reserve personnel to provide the Defense Manpower Data Center with the name, full address, and telephone number of their civilian employer, and update this information promptly, as necessary. (Page 27/Draft Report).

DoD RESPONSE: Concur. OSD/RA will again contact the Department's Privacy Act point of contact for a determination. If a favorable determination is made, development and implementation of DoD and service policies and procedures will ensure comprehensive population of the employer support database will be attained. Follow-up procedures will also be developed to ensure the database is promptly updated in the event of employer change.

RECOMMENDATION 2: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, add students as a target population to the mission and responsibilities of the ESGR, study in depth the problems related to deployments that student Reservists have experienced, and determine what actions the ESGR might take to help students and their educational institutions.(Page 27/Draft Report).

DoD RESPONSE: Concur. During strategic planning, ESGR identified students and educational institutions as a target customer group. However, without additional resources ESGR can only provide limited information and mediation for Guard and Reserve students.

RECOMMENDATION 3: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, direct the ESGR to promptly finalize and implement its plans to have all calls to ombudsmen routed through a single toll-free number and central processing station. (Page 27/Draft Report).

DoD RESPONSE: Concur. Implementation of this recommendation is nearly complete. ESGR plans also call for the eventual development of a call center to increase capability and further take advantage of this concept.

RECOMMENDATION 4: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, direct the Services to determine how many orders are not being issued 30 days in advance of deployments, and why. We recognize that it will not be possible to achieve the 30-day goal in all cases. Once the

See comment after this appendix.

causes are identified, the Secretary should direct the Services to take the necessary corrective actions and to report quarterly to the Assistant Secretary of Defense for Reserve Affairs on the progress achieved in reducing the number of cases. (Page 27/Draft Report).

DoD RESPONSE: Partially concur. Instituting a repetitive reporting requirement would create a further administrative burden on those who are currently involved in the orders issuance process. We are continuing to strongly emphasize the importance of the thirty-day order window. We also have encouraged the components to review their processes and establish metrics for internal management purposes. Finally, we are hopeful that the new personnel system, DIMHRS, will make this goal more feasible. The OSD objective is to establish, in DoDI 1235.10, Activation, Mobilization, and Demobilization of the Ready Reserve, a policy requiring issuance of orders 30-days in advance, unless operational requirements dictate otherwise.

RECOMMENDATION 5: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, develop a policy so that Reserve units will provide employers, upon request, with verification of military service periods lasting less than 30 days. (Page 27/Draft Report).

DoD RESPONSE: Concur. The Department will investigate development and implementation of such a policy. However, any such policy should only be required if the verification of military service is "upon request" from the employer.

RECOMMENDATION 6: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, analyze the effects of the high-deployment per diem statutory provision on Reservists, taking into account that deployment patterns for Reservists are different from those of Active Duty members, and that virtually no Reservists have been forced to deploy involuntarily for more than 400 days over a 730-day period; if warranted, propose changes to this statutory provision. (Page 27/Draft Report).

DoD RESPONSE: Non concur. The Department made a specific determination, in coordination with the Reserve components senior leadership, to include the RCs in this aspect of the High Deployment Policy. The objective of this aspect of the High Deployment Policy is to prevent excessive TDY burdens being placed on any Active or Reserve member. If the RC, as a force provider to Combatant Commanders, have long term requirements to fill, it may be better that more personnel be asked to participate in such operational support.

RECOMMENDATION 7: The GAO recommended that the Secretary of Defense in conjunction with the Assistant Secretary of Defense for Reserve Affairs, analyze, on a ongoing basis, departmental data on trends in the Reserve components for use in formulating outreach activities to employers. (Page 27/Draft Report).

DoD RESPONSE: Concur. As stated in recommendation 1 the successful development of the Employer Support Database will greatly enhance the Department's outreach activities.

Comment

In view of DOD's stated actions, we have modified our recommendation by dropping a quarterly reporting requirement and replacing it with a requirement to periodically assess the services' progress toward fuller compliance with the 30-day goal.

Appendix X: GAO Contact and Staff Acknowledgments

GAO Contact

Gwendolyn Jaffe (202) 512-4691

Acknowledgments

James Bancroft, Larry Bridges, Herbert Dunn, Jack Edwards, Michael Ferren, J. Kris Keener, Stefano Petrucci, Irene Robertson, and Matthew Sakrekoff also made significant contributions to the report.

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