



Highlights of [GAO-07-259](#), a report to congressional committees

Why GAO Did This Study

Since September 11, 2001, the Department of Defense (DOD) has mobilized more than 500,000 reservists. As reservists demobilize, concerns exist about difficulties with their civilian employment. Public Law 109-163 required GAO to report on reservists' civilian employer data and employment matters. GAO assessed (1) the status of DOD's efforts to capture reservists' employer data; (2) DOD, Labor, Justice, and Office of Special Counsel processes to track and address reservists' USERRA complaints; and (3) the four federal agencies' efforts to track reservists' USERRA complaints related to disabilities incurred while on active duty. GAO reviewed policies and procedures for reporting and tracking complaints; DOD's civilian employer database for reservists and reservists' USERRA complaints; and data reliability and quality checks.

What GAO Recommends

To improve oversight of reservists' complaints, Congress should consider changing the law to require Labor's annual report to include DOD complaint data; DOD should improve its reporting of employer information; Labor should make aggregate complaint data available to DOD; and agencies should adopt uniform data elements, and track disability-related USERRA complaints. In commenting on a draft of this report, DOD, Labor, and Office of Special Counsel generally agreed with GAO's recommendations. Justice had no agency comments. www.gao.gov/cgi-bin/gettrpt?GAO-07-259.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Derek B. Stewart at (202) 512-5559 or stewartd@gao.gov.

MILITARY PERSONNEL

Additional Actions Needed to Improve Oversight of Reserve Employment Issues

What GAO Found

DOD has made progress in capturing employment information on reservists, but challenges remain. The percent of reservists reporting employer information increased from about 60 percent in August 2005 to about 77 percent as of August 2006. However, only one of seven reserve components has met DOD's employment reporting goal of 95 percent for the Selected Reserve—the largest category of reservists. DOD does not have specific time frames for reserve components to achieve the reporting goals. In addition, some employment information reported may not be current because the services have not established a formal mechanism to remind reservists to update their reported employment information. Finally, DOD's verification process is not adequate to verify civilian employer data for 24 percent of reservists that reported employer information.

The four federal agencies responsible for assisting reservists with USERRA complaints—DOD, the departments of Labor and Justice, and the Office of Special Counsel—track and address these complaints. Between fiscal years 2004 and 2006, the four agencies addressed approximately 16,000 informal and formal complaints. However, no one agency has total visibility over all the complaints, and only a small percentage of complaints are reported to Congress. For example, DOD has visibility over all complaints in its system, but its visibility over complaints in Labor's system is limited to those originally filed with DOD and then later refiled with Labor. The Department of Labor does not make aggregate complaint data available to DOD. Furthermore, Labor's annual report to Congress on reservists' complaints for fiscal years 2004 and 2005 did not include almost 10,000 informal complaints filed with DOD, or 80 percent of the total informal and formal complaints addressed by the four agencies during this period. Labor is required to report formal complaints addressed by the three agencies, but not DOD. Consequently, Congress does not have the comprehensive information necessary to allow for complete oversight of reservists' employment and reemployment problems. Finally, the information GAO obtained on the approximately 16,000 reservists' complaints filed between fiscal years 2004 and 2006 showed that the nature of those complaints has not been uniformly categorized to completely reveal trends in the kinds of problems some returning reservists experience because the agencies use different complaint categories to characterize the complaints.

Agencies responsible for assisting reservists with USERRA issues can not systematically record and track disability-related employment complaints because they do not use consistent and compatible complaint categories or have a mechanism in place for distinguishing disability-related complaints from others. Without the ability to track disabled reservists' USERRA complaints, DOD may be unaware of the effect disabilities incurred while on active duty have on reservists' employment and what additional assistance may be needed to help transition this population back into the workforce.