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Hostile Work Environment Harassment under USERRA

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Hostile Work Environment Harassment under USERRA

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Guide Index

[Home](#)

[Primary Sources](#)

[Secondary Sources](#)

[Interest Groups and Associations](#)

Home

Overview

Americans have always been—and continue to be—challenged with balancing the lives they lead as ordinary civilians and the experiences millions have had defending our country at war. Congress has responded with the Uniformed Services Employment and Reemployment Rights Act (USERRA), the most recent incarnation of legislation designed to protect service members from employment discrimination. USERRA requires employers not only to rehire, but also to retain employees who return from active duty for a specific period of time.

The United States' large and growing reliance on non-career military personnel, protracted campaigns in Iraq and Afghanistan, and recent economic downturn have strained the relationship between military and civilian life. In the past several years, returning service members have met with increasing problems reintegrating into the workforce, and are filing increasing numbers of employment-related complaints. More and more employers are resisting their obligations to returning service member-employees - despite being rehired, these returning service members face adverse changes and disparaging treatment. While it is clear that employers violate USERRA when they refuse to rehire service member-employees, prematurely terminate them, or demote them; it is not clear whether USERRA precludes an employer from creating a hostile work environment for the employee it agrees to reemploy.

The courts disagree on whether a claim for hostile work environment is actionable under USERRA. Analysis of the issue primarily revolves around construing 38 U.S.C. § 4311, which protects against denial of "any benefit of employment" on the basis of veteran status. Courts finding a nonhostile work environment within the ambit of "benefits of employment" have generally acknowledged the claim, whereas courts finding "benefits" limited to a narrower definition generally have not. Given the importance of resolving employment issues for veterans in an economic climate where jobs are particularly scarce, it is likely that harassment claims under USERRA will continue to grow in the coming years, lending urgency to the need for judicial clarification on this issue.

About the Author

Elizabeth Leyda is a 2012 J.D. Candidate at [Georgia State University College of Law](#). Elizabeth received her Bachelors from the [University of North Carolina at Chapel Hill](#) in 2007, where she majored in Political Science and Spanish. Elizabeth prepared this research guide for Nancy Johnson's Advanced Legal Research Class in the Fall of 2011.

Scope

This guide provides an overview of the law surrounding the Uniformed Services Employment and Reemployment Rights Act and the claim for hostile environment under federal law. Primary resources provided include the text of relevant federal statutes, case law, and legislative history; secondary resources include scholarly articles and annotations, news resources, and administrative materials. In addition to materials specific to the question of hostile environment under USERRA, I have also provided suggested resources for familiarizing yourself with both USERRA and hostile environment law generally, with the hopes of assisting both practitioners and law students to effectively direct their research on the subject.

Disclaimer

This legal bibliography does not constitute legal advice and is not comprehensive. It has not been updated since Fall 2011. This annotation should serve as a starting point for researching hostile environment and veterans' rights under federal law, which will inevitably include resources not listed here. The materials below do not address all issues that will arise, and many are anticipated to arise as this active area of litigation develops. Researchers should read the full text of the resources cited. If you have questions as to how to proceed with your research, please consult a legal reference librarian.

[Back to Top](#)

Primary Sources

Statutes

USERRA is codified in Title 38 of the United States Code, several provisions of which are listed here. Analogous provisions under other federal statutes, including Title VII, the ADA, the ADEA, Title IX, and the Rehabilitation Act are also provided to illustrate their relevance for the purposes of analysis under USERRA.

Links direct you to the Cornell University Legal Information Institute.

- 38 U.S.C. § 4301
http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00004301----000-.html
Purposes; Sense of Congress. This provision is central to courts' analysis of the scope of protections offered to veterans under USERRA. The enumerated purposes include: (a)(1) encouraging non-career military service, (2) minimize disruption in the lives of service men and women, and (3) prohibit discrimination because of service.
- 38 U.S.C. § 4311
http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00004311----000-.html
Discrimination Against Persons Who Serve In The Uniformed Services And Acts of Reprisal Prohibited. A person who is a member of . . . a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership[.]
- Title VII; 42 U.S.C. § 2000e-2(a)
http://www.law.cornell.edu/uscode/42/usc_sec_42_00002000---e002-.html
(a) Employer practices
It shall be an unlawful employment practice for an employer—
(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin[.]
- Title IX; 20 U.S.C. § 1681(a)
<http://www.law.cornell.edu/uscode/20/1681.html>
(a) Prohibition against discrimination; exceptions
No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance[.]
- Rehabilitation Act; 29 U.S.C. § 794(a)
<http://www.law.cornell.edu/uscode/29/794.html>
(a) Promulgation of rules and regulations
No otherwise qualified individual with a disability in the United States . . . solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[.]
- ADA; 42 U.S.C. § 12112(a)
<http://www.law.cornell.edu/uscode/42/12112.html>
(a) General rule
No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

Administrative Materials

[*Uniformed Services Employment and Reemployment Rights Act of 1994 Fiscal Year 2010 Annual Report to Congress, 2010 VETS ANN. REP. 19.*](#)

The Department of Labor has now made explicitly clear its support for the acknowledgement of hostile work environment claims under USERRA. In response to the [Carder](#), the DOL asserts that it “considers it a violation of USERRA for an employer to cause or permit workplace harassment, the creation of a hostile working environment, or to fail to take prompt and effective action to correct harassing conduct because of an individual’s membership in the uniformed service or uniformed service obligations.” The Veterans’ Employment and Training Service (VETS) is a sub-agency of the Department of Labor responsible for administering USERRA.

Legislative History

USERRA Predecessor Statutes

Selective Training and Service Act, 50 U.S.C. app. §§ 301–308, ch. 720, 54 Stat. 885 (1940) (repealed 1948).
This statute instituted the draft prior to WWII, and included the first protections against employment discrimination for service members under federal law. USERRA is the most recent in a series of amendments and recodifications of the STSA.

Military Selective Service Act of 1967, 50 U.S.C. app. § 459(b), repealed by 38 U.S.C. § 2021 (1970).
This statute instituted the draft for the Vietnam conflict and was soon replaced by the Vietnam Era Veterans’ Readjustment Assistance Act.

Vietnam Era Veterans’ Readjustment Assistance Act, 38 U.S.C. §§ 2021–26 (1976) (superseded by Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4311–16).
After a few ad hoc amendments to reemployment rights, in 1994 Congress decided to streamline, centralize, and expand upon existing law with USERRA.

USERRA differs from the VRRRA in its cohesive organization, as well as provisions Congress added relaxing the burden of proof plaintiffs must carry in discrimination, and adding a liquidated damages remedy.

Committee Reports

The legislative history of USERRA and USERRA predecessor statutes is extensive, but here I've provided two of the most frequently cited House Reports.

H. R. Rep. No. 89-1303 (1966)

This House Report includes the oft-quoted testimony "If these young men are essential to our national defense, then certainly our Government and employers have a moral obligation to see that their economic well being is disrupted to the minimum extent possible." See, e.g. *Monroe*, 452 U.S. at 561.

H.R. Rep. No. 103-65 (1993)

The House Report to USERRA includes several useful points of guidance for interpreting 38 U.S.C. §§ 4301-4311, including:

"Section 4303(2) would define "benefit, "benefit of employment" and employment related "rights and benefits." . . . These rights are broadly defined to include all attributes of the employment relationship which are affected by the absence of a member of the uniformed services because of military service. The list of benefits is illustrative and not intended to be all inclusive."

"[T]he Committee wishes to stress that the extensive body of case law that has evolved over that period, to the extent that it is consistent with the provisions of this Act, remains in full force and effect in interpreting these provisions. This is particularly true of the basic principle established by the Supreme Court that the Act is to be 'liberally construed.'"

Supreme Court Cases

While no U.S. Supreme Court case speaks directly to the issue of whether hostile work environment is an available claim under USERRA, several cases interpreting USERRA or its predecessor veterans' reemployment statutes are helpful and frequently cited by circuit and district courts for their discussion of legislative history and their interpretive guidance.

Links direct you to Justia.com.

- *Fishgold v. Sullivan Drydock*, 328 U.S. 275 (1946)

<http://supreme.justia.com/us/328/275/case.html>

This is the first Supreme Court case to interpret a veterans' reemployment rights statute, in this case the Selective Training and Service Act of 1940. *Fishgold* has been repeatedly and consistently cited for its maxim that "This legislation is to be liberally construed for the benefit of those who left private life to serve their country in its hour of great need."

- *Alabama Power Co. V. Davis*, 431 U. S. 581 (1977)

<http://supreme.justia.com/us/431/581/case.html>

Here the Court considered whether the denial of pension credit was actionable under the Military Selective Service Act of 1967, a predecessor of USERRA. The Court explained "no practice of employers or agreements between employers and unions can cut down the service adjustment benefits which Congress has secured the veteran under the Act," and that courts should look at the nature of the benefit at issue to avoid "overly simplistic" conclusions.

- *Monroe v. Standard Oil Co.*, 452 U. S. 549 (1981)

<http://supreme.justia.com/us/452/549/case.html>

While reservist employees were not entitled to preferential treatment, a USERRA predecessor statute entitled reservist-employees to treatment equal to that of non-reservists, and that service members should not suffer penalties for their service. *Monroe* examined legislative history and found "the purpose of the legislation was to protect employee reservists from discharge, denial of promotional opportunities, or other comparable adverse treatment solely by reason of their military obligations

- *Staub v. Proctor Hosp.*, 131 S. Ct. 1186, 1191 (2011)

<http://www.law.cornell.edu/supct/html/09-400.ZO.html>

In a recent Supreme Court case, in interpreting a provision of USERRA, the Court remarked that "[t]he statute is very similar to Title VII, which prohibits employment discrimination 'because of ... race, color, religion, sex, or national origin.'"

Administrative Agency Decisions

Federal case law can be accessed via Westlaw or LexisNexis.

Petersen v. Dep't of Interior, 71 M.S.P.R. 227 (1996)

Petersen was a case before the Merit Systems Protection Board, which has jurisdiction over USERRA cases involving federal government agencies as parties. The plaintiff was a disabled veteran employed as a park ranger who sued for hostile work environment on the basis of his military status when his law enforcement commission was disqualified. In acknowledging the claim, *Petersen* outlined several reasons why the claim should be cognizable under the statute, including congressional intent to construe veterans' protections broadly and to prohibit discrimination based on military status. The court also demonstrated that other federal statutes prohibiting discrimination have been construed to permit the claim, particularly highlighting Title IX and the Rehabilitation Act of 1973, both of which have statutory language similar to USERRA. Cases recognizing hostile work environment have largely followed *Petersen*. Despite being an administrative agency decision, *Petersen* is in fact the leading case on the issue of the availability of hostile work environment under USERRA. It predates both major circuit court decisions by nearly fifteen years and remains the most thorough and influential treatment of the question to date.

Circuit Court Cases

The cases listed here illustrate the existing circuit court split on the issue of hostile work environment under USERRA. The Fifth Circuit in *Carder v. Continental Airlines, Inc.*, and the Eleventh Circuit in *Dees v. Hyundai Motor Mfg. LLC* offer the most detailed analyses, while other circuits' more abbreviated discussions offer

insight which approach is more likely to prevail in each jurisdiction.
Federal case law can be accessed via Westlaw or LexisNexis.

Carder v. Continental Airlines, Inc., 636 F.3d 172 (5th Cir. 2011)

Here the Fifth Circuit rejected hostile work environment claims on the basis of statutory interpretation, legislative history, and purpose of USERRA. The court found that "benefits of employment" under 38 U.S.C. § 4311 did not include freedom from a hostile work environment because USERRA's language was too different from Title VII's to permit the inference that Congress intended each statute to be interpreted the same way.

Dees v. Hyundai Motor Mfg. Ala., LLC, 368 F. App'x 49 (11th Cir. 2010)

The Eleventh Circuit recently touched on the issue of hostile work environment under USERRA. While the court specifically declined to determine whether the claim was available, it affirmed a district court decision acknowledging hostile work environment's viability endorsing the rationale offered in *Petersen*. Emphasizing USERRA's overarching purpose, the district court pointedly observed that "assurance that employees cannot be fired on account of their military service is meaningless without assurance that the work environment will not be so intolerable that they will feel forced to quit."

Miller v. City of Indianapolis, 281 F.3d 648 (7th Cir. 2002) & *Maher v. City of Chi.*, 547 F.3d 817 (7th Cir. 2008)

These two Seventh Circuit cases both affirm district court decisions that acknowledged hostile work environment but found the requirements of the claim unsatisfied. Neither case specifically holds on the issue nor delves into 38 U.S.C. § 4311 in depth.

Church v. City of Reno, No. 97-17097, 1999 WL 65205 (9th Cir. Feb. 9, 1999)

In an unpublished decision, the Ninth Circuit rejected hostile work environment under USERRA in the context of construing a consent decree requiring an employer to refrain from discrimination under the statute. Adhering closely to § 4311(a), the court reasoned that because the veteran had provided no proof of any specific employment contract, policy, plan or practice, freedom from hostile work environment was not a "benefit" denied. While refusing to hold on the issue, the Ninth Circuit made clear that "USERRA does not specifically include a non-hostile work environment in its definition of 'benefit of employment.'"

Hostile Work Environment Cases (non-USERRA)

The hostile work environment claim was first acknowledged under Title VII and was primarily developed under that statute, particularly within the context of sexual harassment. Courts have now recognized claims for hostile environment under several other statutes, including the ADA, the ADEA, Title IX, and the Rehabilitation Act. The following list provides an overview of major hostile environment jurisprudence and illustrates examples of claims under various statutes.
Federal case law can be accessed via Westlaw or LexisNexis.

Rogers v. EEOC, 454 F.2d 234 (5th Cir. 1984)

Rogers is considered the first case to recognize hostile environment. The claim was brought under Title VII for discrimination on the basis of race.

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

The Supreme Court first acknowledged hostile environment in this landmark case. The Court held that severe verbal and physical abuse by a supervisor, including forcible rape, interfered with the employee's "terms, conditions, or privileges of employment," which are protected by Title VII.

Harris v. Forklift Systems, Inc., 510 U.S. 17, 22 (1993)

In *Harris* the Supreme Court elaborated on the claim, finding that harassment must be both subjectively and objectively offensive, but need not rise to the level of seriously harming an employee's psychological well-being before it is actionable. Following *Harris*, courts now generally agree that a prima facie case for hostile work environment requires four elements: (1) unwelcomeness, (2) because of [protected status], (3) sufficiently severe or pervasive to alter the conditions of employment and create an abusive atmosphere, and (4) imputable to the employer.

Crawford v. Medina Gen. Hosp., 96 F.3d 830 (6th Cir. 1996)

A Sixth Circuit case decided the same year as *Petersen* acknowledging hostile work environment under the ADEA.

Flowers v. S. Reg'l Physician Servs., 247 F.3d 229 (5th Cir. 2001)

In *Flowers* the Fifth Circuit took credit for being the first circuit court to recognize hostile environment under the ADA. In *Carder*, the court later takes adopts a less definitive attitude about hostile environment's widely-acknowledged status.

Franklin v. Gwinnett County Pub. Sch., 503 U.S. 60 (1992) & *Davis ex rel. LaShonda D. v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999)

In both of these cases the Supreme Court has acknowledged the availability of a claim for hostile environment under Title IX, a statute employing language similar to the language disputed under USERRA.

Soledad v. United States Dep't of Treasury, 304 F.3d 500 (5th Cir. 2002)

In this case, which the court refers to in its *Carder* opinion, the Fifth Circuit also acknowledged hostile environment under the Rehabilitation Act, yet another statute employing "benefits" language similar to USERRA's.

[Back to Top](#)

Secondary Sources

Journal Articles

Secondary Sources can be accessed via Westlaw, LexisNexis, or HeinOnline.

[USERRA and Hostile Environment](#)

Elizabeth Leyda, *The War(r)iors at Home: Examining USERRA's Veterans' Reemployment Protections When Hostility Follows Soldiers to the Workplace*, 28 Ga. St. U. L. Rev. (forthcoming 2012).

My law review note discusses the issue of the availability of a claim for hostile work environment under USERRA in depth, drawing on many of the resources found here. In my analysis I identify the primary issue of contention- as evidenced in a recent split between the Fifth and Eleventh circuits - to be courts' interpretation of the language of 38 U.S.C. § 4311; i.e. whether freedom from a hostile work environment can be characterized as a "benefit of employment" within the meaning of USERRA. I propose that hostile environment claims are within the ambit of the statute, given consistent acknowledgment of broad Congressional intent to construe the statute broadly as well as USERRA's strong resemblance to other federal statutes under which hostile environment claims are already available.

Michele A. Forte, *Reemployment Rights for the Guard and Reserve: Will Civilian Employers Pay the Price for National Defense?* 59 A.F. L. Rev. 287 (2007).

This article is a helpful survey of USERRA's protections for veterans' reemployment. Forte clearly describes how the U.S. Military's Total Force manpower strategy has impacted reservists' civilian employment. She also explains how USERRA differs from predecessor statutes in its cohesive organization, provisions Congress added relaxing the burden of proof plaintiffs must carry in discrimination, and new liquidated damages remedy.

Konrad S. Lee, *"When Johnny Comes Marching Home Again" Will He Be Welcome at Work?* 35 Pepp. L. Rev. 247 (2008).

This note, which predates the circuit split on the issue, offers one of the first detailed discussions of hostile environment under USERRA. Lee endorses the opinion of the Merit Systems Protection Board in Petersen – he believes that statutory interpretation, legislative history, comparison to other federal employment statutes, and the policy in favor of national security all support permitting hostile environment claims under the statute.

Problems of Reintegration

Anthony H. Green, Note, *Reemployment Rights Under the Uniform Services Employment and Reemployment Act (USERRA): Who's Bearing the Cost?* 37 Ind. L. Rev. 213 (2003).

In this note, Anthony Green describes the administrative mechanics of stating claims under USERRA, with an emphasis on claims for mandatory reemployment. He then examines the standards for reasonable accommodation and undue hardship for employers developed under the ADA and analogizes these concepts to USERRA as analytical tools for determining when reemployment is truly required.

Mathew B. Tully & Ariel E. Solomon, *Ensuring the Employment Rights of America's Citizen-Soldiers*, 35 Hum. Rts. 6 (2008).

In this article Tully & Solomon confront the policy problems USERRA was intended to address in veteran's challenges with civilian reemployment in light of the Total Force Policy and the recent War on Terror. They argue that the technicalities imposed upon returning veterans in order to activate USERRA's protections are sometimes burdensome, and that a lack of judicial guidance on the limits of employers' obligations weakens the statute's protections. They further posit that USERRA could be improved by closing loopholes and exceptions and improving the overall efficiency of enforcement.

American Military Manpower and Reservists

Andy P. Fernandez, *The Need for the Expansion of Military Reservists' Rights in Furtherance of the Total Force Policy: A Comparison of the USERRA and ADA*, 14 St. Thomas L. Rev. 859 (2002).

This article also examines the similarities and differences between the ADA and USERRA, except the emphasis here is on accommodation in institutions of higher learning. Fernandez submits that the military's recent increasing demands on reservists' time merits a reexamination of attitudes toward accommodating returning veterans, and the ADA serves as a useful model for reasonable accommodation analysis under USERRA.

Daniel B. Denning, *Building and Sustaining America's Army*, 56 Army 49 (2006).

In this article, Daniel Denning outlines the top priorities for the Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs. Denning explains how the American military's priority of maintaining an all-volunteer army during two protracted campaigns abroad requires a huge effort by American reserve forces under the Total Force manpower model. He emphasizes how critical reserve participation in Iraq and Afghanistan has been to national security in recent years.

Military Reserve—Manpower Problems in the Past, 34 Cong. Dig. 100 (1955).

This article provides a very useful history of the origins of American reserve forces and their role in war from the Revolutionary period through 1955. George Washington's early reliance on colonial militias explains a great deal about American military culture's development around the idea of the citizen-soldier, a concept at the heart of veterans' reemployment rights statutes.

Abbott A. Brayton, *American Reserve Policies Since World War II*, 36 Mil. Aff. 139 (1972).

Abbott Brayton's article elaborates on the history of American military reserves, including a detailed description of their organization and obligations in times of war. Brayton also describes the often strained relationship between the Reserves and permanent military forces, as well as important Reserve missions at different times in history from World War II through the Vietnam conflict.

Kevin D. Hartzell, *Voluntary Warriors: Reserve Force Mobilization in the United States and Canada*, 29 Cornell Int'l L.J. 537 (1996).

This article compares and contrasts the statutory activation schemes for American and Canadian reserve forces, as well as statutory reemployment protections, including USERRA. Hartzell argues that both the U.S.'s larger reserve force and enhanced reemployment protections substantially improve America's ability to deploy voluntary forces abroad. He makes clear that USERRA makes the U.S.'s Total Force manpower strategy possible, and that limiting veterans' reemployment rights may impinge upon the military's ability to deploy reserves because of the disincentives created by difficult reintegration.

John O'Shea, *America's Citizen-Warriors, Officer*, Oct. 2003.

This article elaborates on the American archetype of the citizen-soldier and explains the complex relationship between the Reserves and the American public, a relationship which proves critical to the public's sentiments and support for American military pursuits, as evidenced by O'Shea's discussion of Reserve participation (or lack thereof) in the Vietnam conflict. O'Shea emphasizes the Total Force policy's reliance on the Reserves, but highlights the military's need to strike the right balance with in order to maintain Reserve strength and public support.

Hostile Environment Generally

Kelly Cahill Timmons, *Sexual Harassment and Disparate Impact: Should Non-Targeted Workplace Sexual Conduct Be Actionable Under Title VII?* 81 Neb. L. Rev. 1152 (2003).

As part of this article, Georgia State University professor and Associate Dean Kelly Timmons details the history and rationale of major sexual harassment cases contributing to the development of the hostile work environment claim since Rogers. Dean Timmons describes how courts' determined that hostile environment claims implicate the "terms, conditions, or privileges of employment" language of § 703 of Title VII, an analytical aspect critical to the discussion of hostile environment under USERRA.

American Law Reports

American Law Reports provide detailed and comprehensive analyses of major topics in the law. These practitioner-written annotations related to veterans' benefits offer an accessible overview of issues important to USERRA interpretation, including claimants' burdens of proof and statutory interpretation of "benefits" across all federal jurisdictions.

Ann K. Wooster, Annotation, Construction and Application of Uniformed Services Employment and Reemployment Rights Act, 175 A.L.R. Fed. 437 (2002).

This annotation provides an overview of USERRA's protections, focusing on how employers violate the statute, with an emphasis on the shift in USERRA from a sole-factor requirement to a motivating factor analysis.

Colleen R. Courtade, Annotation, Applicability, to fringe benefits, of vietnam era veterans' readjustment assistance act provision establishing Veterans' Reemployment Rights, 83 A.L.R. Fed. 908 (1987).

While originally written under the Vietnam Era Veterans' Readjustment Assistance Act, this annotation has been updated to reflect USERRA. It discusses the types of fringe benefits protected by the statute, which is useful to the discussion of the meaning of "benefits" under USERRA.

Federal Agency Materials

- Dept. of Veterans' Affairs Veteran Population Model (VetPop)
<http://www1.va.gov/VETDATA/Demographics/Demographics.asp>
The U.S. Department of Veterans' Affairs periodically collects data on the veteran population in the United States. They estimate that as of 2006 there were approximately twenty-four million veterans living in the U.S.
- Congressional Budget Office, The Effects of Reserve Call-Ups on Civilian Employers
<http://www.cbo.gov/ftpdocs/63xx/doc6351/05-11-Reserves.pdf>
This CBO publication analyzes the policy implications of USERRA, including the costs and inefficiencies for employers resulting from their obligations.
- U.S. Dept. of Defense, Reserve Components Noble Eagle/Enduring Freedom/New Dawn (July 25, 2011)
<http://www.defense.gov/news/d20110628ngr.pdf>
The Defense Department publishes regular reports on the number of Reservists currently deployed on active duty in Iraq and Afghanistan, as well as how many have returned home.
- VETS USERRA Pocket Guide (2011),
<http://www.dol.gov/vets/programs/userra/USERRA%20Pocket%20Guide.html#23>
This user-friendly handbook is intended as a quick reference for employers with questions about USERRA compliance.

News Papers, News Magazines, and Electronic Resources

These articles provide relevant background to the realities of national security and the U.S. economy precipitating the recent spike in employment-related complaints from returning reservist-employees.

- Kathryn Watson, Returning Troops Face New Fight For Old Jobs: Federal Law Easy for Employers to Ignore, WASH. TIMES, July 5, 2010
<http://www.washingtontimes.com/news/2010/jul/1/returning-troops-face-new-fight-for-jobs/?page=all>
- David S. Cloud, Military Eases Its Rules for Mobilizing Reserves, N.Y. TIMES, Jan. 12, 2007
<http://www.nytimes.com/2007/01/12/washington/12guard.html>
- Bradley Graham, Reservists May Face Longer Tours of Duty, WASH. POST, Jan. 7, 2005
<http://www.washingtonpost.com/wp-dyn/articles/A54604-2005Jan6.html>
- Mark Thompson & Phil Zabriskie, Does the U.S. Need the Draft? TIME, Oct. 18, 2004, at 54
<http://www.time.com/time/magazine/article/0,9171,995411,00.html>
- Scott Canon, Returning Reservists Find Military Duty Clashes with Job Protection, KAN. CITY STAR, May 10, 2009, at A1
<http://www.allvoices.com/news/3178852/s/32567324-returning-reservists-find-military-duty-clashes-with-job-protection>
- Jill Carroll, While Reservists Serve, Their Jobs Don't Always Wait, CHRISTIAN SCI. MONITOR, Apr. 10, 2008, at 1
<http://www.csmonitor.com/USA/Military/2008/0410/p01s03-usmi.html>
- Barack Obama, President of the United States, Address to the Nation on the End of Combat Operations in Iraq (Aug. 31, 2010)
<http://www.whitehouse.gov/the-press-office/2010/08/31/remarks-president-address-nation-end-combat-operations-iraq>
- Helene Cooper & Sheryl Gay Stolberg, Obama Declares an End to Iraq Combat Mission, N.Y. TIMES, Aug. 31, 2010, at A1
<http://www.nytimes.com/2010/09/01/world/01military.html?pagewanted=all>
- Iraq Will Ask US Troops to Stay Post-2011, Says Panetta, BBC.COM
<http://www.bbc.co.uk/news/world-middle-east-13722786>

Books

- The USERRA Manual: Uniformed Services Employment and Reemployment Rights by Edward Still & Kathryn Piscitelli
ISBN: 0314603387
Publication Date: 2011
http://www.amazon.com/USERRA-Manual-Uniformed-Employment-Reemployment/dp/0314603387/ref=sr_1_4?s=books&ie=UTF8&qid=1321381338&sr=1-4This book is likely the most widely used and authoritative treatise for practitioners confronted with USERRA questions. It is frequently updated and current.
- The Wounded Warrior Handbook: A Resource Guide for Returning Veterans by Don Philpott
ISBN: 160590693X
Publication Date: 2010
http://www.amazon.com/Wounded-Warrior-Handbook-Resource-Returning/dp/160590693X/ref=sr_1_24?ie=UTF8&qid=1321381866&sr=1-24This book is unique in that it's geared toward veterans, as opposed to employers or attorneys. It offers practical advice for service members both before and after deployment to ease their transitions leaving and coming back in light of the protections they are entitled to under a variety of federal laws, including USERRA.
- Uniformed Services Employment and Reemployment Rights Act (USERRA) by ABA Section on Labor and Employment Law
ISBN: 1570188467
Publication Date: 2009
http://www.amazon.com/Uniformed-Services-Employment-Reemployment-Rights/dp/1570188467/ref=sr_1_1?ie=UTF8&qid=1321382611&sr=1-1A comprehensive treatise on USERRA compliance intended for attorneys practicing in the area.

[Back to Top](#)

Interest Groups and Associations

Federal Agencies

Many federal agencies are involved in providing services to veterans, but the following are prominent:

[The United States Department of Labor Veterans Employment and Training Service \(VETS\)](#)

VETS is a Department of Labor sub-agency specifically tasked with enforcing USERRA. Their website provides a variety of information helpful to both employers and service member-employees about rights and obligations under USERRA.

[The United States Department of Veterans' Affairs](#)

The VA is the largest executive agency devoted exclusively to the provision and coordination of services for veterans under federal law, including pensions, health benefits, and educational benefits. Their website is an excellent starting point for veterans interested in learning more about their rights on a variety of different issues.

Bar Associations

[The State Bar of Georgia Section on Military and Veterans' Law](#)

The State Bar's section is comprised of attorneys in Georgia and around the country who practice or have an interest in the law affecting veterans. The State Bar may also help coordinate pro-bono legal services for veterans in need of assistance for issues which may implicate USERRA.

[The American Bar Association Standing Committee on Legal Assistance for Military Personnel](#)

Like the state bar, the American Bar Association's committee for military law includes practitioners with experience in legal issues affecting veterans such as USERRA. The committee coordinates the Military Pro Bono Project, "a one-of-a-kind venture that improves access to pro bono civil legal assistance for active-duty military personnel while expanding opportunities for firms and attorneys to provide pro bono services."

Trade Associations and Unions

Several industries employ a proportionately high number of service-member employees, including state and local law enforcement agencies, fire departments, airlines, and defense contractors. Trade associations and unions in these industries are likely to be particularly heavily impacted by veterans' reemployment policy.

Trade Associations:

- [Aerospace Trade Associations \(Department of Commerce list\)](#)
- [National Defense Industrial Association](#)

Unions:

- [The International Union of Police Associations](#)
- [The National Association of Police Organizations](#)

- [The International Association of Fire Fighters](#)
- [The Coalition of Airline Pilots Associations](#)

[Back to Top](#)

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