

The Equal Employment Act for Military and Veterans

Posted on May 27, 2018

Introduction

The Equal Employment Act for Military and Veterans is widely discussed since it addresses the importance of the men and women who have presented their services diligently to defend their country while putting their lives at risk for the safety of their homeland. These people who have sacrificed a lot for their nation need not be present in the unemployment queue after returning home.

However, it seems evident that these men and women must go through the hardship of finding employment after being discharged from the military. The government has initiated many programs that are important for the employment of military personnel and veterans who are seeking employment in the civil market. Most military people are having issues with transforming their military experience into civilian experience to match the work requirements.

Discussion

The issue of unemployment among military personnel has been on the rise for the last few years and has gained the attention of government bodies to take proper remedial action. To safeguard employment options for military personnel, certain federal and state laws have been implemented to secure the rights to employment for retired military individuals currently seeking employment in the civilian sector. Among the acts introduced by the government are the USERRA and VOW, which have accommodated the needs of military personnel.

Uniformed Services Employment and Reemployment Rights Act

Uniformed Services Employment and Reemployment Rights Act presents the conceptual idea of particular responsibilities and selected rights that apply to uniformed service members and employers in the civilian sector. Under the stated rules of the USERRA Act, it provides a descriptive explanation to safeguard the civilian employment rights and the benefits of it for veterans and is applicable for other Armed Forces members as well. The Act ensures that the military personnel who are returning from active duty to be reemployed in the civilian department should be given an equal or comparatively equal position in the civilian sector, along with the same applicable benefits. To be able

to apply for USERRA protection an individual needs to have the following,

- Provide their employer with advance notice of their military service
- Must have at least five years of military service experience for the duration of time with a certain employer
- Must not have a dishonorable discharge or any other criteria that is contrary to an honorable discharge
- Must reapply for employment in a proper timely manner

The United States Department of Labor's Veterans' Employment and Training Services (VETS) is assigned to provide its services, incorporating the laws of the USERRA. VETS has the authority to look into issues that arise from USERRA violations and to resolve them accordingly. Employer Support of the Guard and Reserve (ESGR) is another resource that provides information and assistance in implementing USERRA. ESGR comes under the Department of Defense and is tasked with notifying and spreading awareness of the rights of service members and their civilian employers (Christian 2012). The awareness program aims at educating them about the rights and responsibilities that come directly under the USERRA Act. However, ESGR is not responsible for imposing USERRA but can procure an Ombudsman Service Program which can be employed to resolve issues or disputes that might occur among the service members and their immediate civilian employers.

States Laws Concerning Service Member Employment

Several state laws work along with federal laws and are present to protect the employment rights of service members and veterans. These state laws are aimed at providing a proper way to resolve issues and to minimize the disruptions caused to the lives of military service members or their careers. State law serves as a safeguard for service members' right to employment. These are applicable to those that come under the direct obligation of the state authority, such as the National Guard, which is assigned to the duty of an active state. A descriptive version of these rights is written and published by the Attorney General's Office to clarify the laws associated with employment and reemployment.

A proper analysis of the information sheet provided by the Attorney General's Office, states that it is highly illegal to deny employment, reemployment, or the acquisition of employment benefits to those who are affiliated with the military and service the obligations of military service. Another condition that follows is that people that leave their careers to adhere to the call to serve their nation, will be allowed to be reemployed at their previous position upon return. Although certain conditions must be met before reassigning the individual to their previous position,

- It is to be ascertained that the employer has not undergone any changes that may make reemployment difficult or the criteria to be unreasonable.

- The condition of reemployment must not become a burden or impose hardship on the employer.
- It needs to be ascertained that previous employment was not temporary.

Certain State Law conditions need to be fulfilled before the individual can claim protection. These conditions include,

- Present a timely notice of their military service in advance to the employer.
- Is able to provide documents that are proof of satisfactory employment in the uniformed services.
- Prepare a proper application for the employer, addressing the requirement of reemployment, including service type and duration.

All things considered, the points presented above are supported by state Law, Which also states that any individual being reemployed will have their case treated as a leave of absence. Furthermore, they will be able to retain their seniority, vacations, insurance, and any other benefits listed in their employment contract.

State Law Addressing Employment Discrimination

The conditions presented by Washington's proposed Law Act deal with discrimination against employees who have been honorably discharged from their uniformed service. The law further presents stated laws that restrict any and all forms of discrimination applicable to employment, similarly applying to housing, all forms of public accommodation, and all forms of lending and credit taking (Parker 2012). Under the proposed conditions of the Law, all honorably discharged military status people and veterans, and any reserve members belonging to any branch in the military department are entitled to enjoy the full extent of this law to resolve the cases of discrimination that may be aimed at them. These military service members have the exclusive right to lodge or file a complaint and have the right to approach the Human Rights Commission (HRC).

State Laws Concerning Military Family Leave Act

Washington State introduced and implemented the Family Military Leave Act, under which any spouse of a military service member is eligible to apply for fifteen days of unpaid leave at the time of the service member's deployment. To avail of this unpaid leave, the spouse must apply before the deployment or at the time the service member leaves for the deployment. These fifteen days can be divided to accommodate the needs of the military service member's spouse.

The proper method of applying for this leave includes the service member's spouse to notify or approach their employer five days before the service member receives any notification of their deployment, being called to active duty, or at the time of leave from their designated deployment

(Lewison 2004). Applicants that fit the previously mentioned criteria must have at least 20 hours of service per week. All disputes associated with the Military Family Leave Act come directly under Washington State Law and are resolved accordingly.

State Law for Veteran Preferences

Federal

The State Laws provide an explanation concerning the veterans who are disabled or have served a considerable amount of period in the Armed Forces for an accountable amount of time or have participated in the military campaigns will be given preference over non-veterans at the time of employment and will be considered for retention policies as well.

State

The Washington State Law presents a detailed description of the laws stating a special preference for veterans who have served and sacrificed for their nation. These veterans can apply for positions in the state, political subdivisions, or any form of municipal organization. The law further states that if these individuals are presented with a competitive examination, they can add five to ten points to their final score in that particular examination. State Law also enables the spouses of these veterans or the spouses with service-connected disability of these veterans to be preferred for public employment options.

Private

In the year 2011, Washington became the first to declare the state laws under which employers were ordered to provide employment options for military service members who were previously honorably discharged or veterans. This law further includes a clear understanding that these employment conditions fulfill all voluntary criteria and are in no way in breach of any form of violation of state or law regarding equal employment opportunity. The employers that employ any veterans' services will also qualify for the conditions of tax credit.

Veterans Opportunity to Work Act

The Veteran Opportunity to Work Act, or VOW Act, was enacted and signed by President Obama on 22nd of November, 2011. Under this Act, it is necessary for federal agencies to deal with active service members as veterans or veterans with a disability, and the candidates fulfilling the requirements are to be given preference for employment in a competitive environment. A common question that arises is why the VOW Act was enacted or the reason behind its enactment. VOW Act was enacted to

facilitate the service members before they were honorably discharged from their services or the individuals that have been released from their active duty but don't own a DD form 214, a certificate that certifies their release or discharge from Active Duty. The VOW Act accommodates these individuals at the time of employment for Federal Jobs (Ogles 2012). The VOW Act safeguards these individuals' right to have these opportunities. These individuals are required to own a certificate as documented proof of their service and release from the uniformed services. This Certificate is legal proof that the individual in question for the employment has been honorably discharged or released from their active service as a uniformed individual. The certificate houses are generally prepared before the release or discharge of the active service member, not any sooner than 120 days.

The normal trend in the military services is that military personnel apply for civilian jobs before their immediate release or discharge from their active service. These individuals normally do not have a DD form 214 at the time of job application submission. The VOW Act's enactment ensures that these individuals will not lose their job options because of this factor and will be given preference in federal jobs or services under the stated law.

Under the signed Act of Veteran Act on November 21st, 2011, the legislation states that any and all veterans are to be provided with assistance in employment search and accommodating them in the acquisition of the selected employment, as well as training them to be skillful for the preferred job to help reduce the unemployment among the veterans. The Act brings forth two valid and valuable points,

- The first point is related to the fact that tax credits are applicable to civil employers that are likely to employ the veteran candidate. These amounts vary based on the duration of the veteran's unemployment period. For the period of four weeks a veteran's unemployment will value to a total of \$ 2,400, a six-month period will value up to a total amount of \$ 5,600, and in the case of a disabled veteran that has been unemployed for a period of six months or longer to value up till \$ 9,600 (Fernandez 2001).
- The second point in the Act states that the Act will provide amendments to USERRA's anti-discriminatory provision policy in an exemplary way. USERRA is responsible for providing job security to the uniformed service members prohibiting and eliminating any discrimination towards their employment policy, and affirming job confirmation for active service military personnel to be reemployed at their previous positions. Furthermore, it explains the law's implications to private and public sectors and Federal employers.

In scenarios before this Act's enactment, courts could not pinpoint or establish a reason for action towards work environments, coming under USERRA, exhibiting a hostile work nature. The proposed Act, therefore, brings about a change parallel to amending USERRA that limits discrimination in terms and conditions or privileges provided in employment. It is safe to say that the VOW Act stands in place to promote, safeguard, and further expand the laws stated under the USERRA Act.

Transition Assistance Program (TAP)

The Transition Assistance Program (TAP) is based on the concept of providing help to military service members who are about to be released from their active duty. This assistance comes in the form of educating them about the relevant skills needed to apply for these jobs in the civilian employment market. This program has been noted to be successful and complies with the conditions of the Act, and attendance is mandatory for service members according to the VOW Act.

Training and Education

According to the condition presented by the post-9/11 G1 bill, many veterans are found to be getting secondary education compared to previous years. In the data collected for analysis, it was seen that around forty-eight percent of veterans were found to be using the benefits of this education from a four-year program, and enrolled in a college or a university. Around thirty-three percent were enrolled in a two-year program in a university, among them eight percent of them were enrolled in a graduate program in a school. Eleven percent were availing of short-term on-the-job training sessions or going through an apprenticeship.

This program is more beneficial since it provides valuable assistance to veterans in acquiring skills useful in employment searches. The G1 bill stated that 100,000 veterans would be given employment as well. Furthermore, the state governors have anointed funds to assist them in better-facilitating veterans. Part of this fund is aimed at initiating training course programs for military service members.

National Guard and Reserve

Under the VOW Act, it honors the services offered by the National Guard and Reserve, among which fourteen percent were found to be unemployed only. According to the stated law (similar to USERRA) at the time of being called to service, their employer is required to reemploy them on their return. However, things did not work the same way in this particular scenario. In this regard, the VOW Act's enactment reinforced and protected the policies presented by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Certification and Licensing

Despite the fact that most American military members are in possession of the most well-trained professionals, being unable to be properly credited or licensed in their respective fields makes these women and men less capable of acquiring meaningful and beneficial employment options that may have enabled them to implement their military training. The professionals applying for the job include people from the medical profession, drivers, and technicians. These people become incapable of

applying for relevant jobs if their learned skills are not applicable in the civilian job market. Such individuals will then be in need of proper certifications and licensing that enable them to fulfill a prosperous role in their civilian employment after their honorable discharge from active military service.

Conclusion

In conclusion, it can be stated that the United States government has brought attention to the growing concern about the unemployment criteria for military personnel and veterans. The programs introduced under the Act of VOW, which ex-President Obama signed, focus on military service members and veterans. The VOW Act it honors the services offered by the National Guard and Reserve, among which fourteen percent were found to be unemployed only. According to the stated law (similar to USERRA) at the time of being called to service, their employer is required to reemploy them on their return. From the perspective of USERRA, these state laws are aimed at providing a proper way to resolve issues and minimize the disruptions that may be caused to the lives of military service members or their careers. The state law serves as a safeguard for the rights to employment for service members, and these are applicable to those that come under the direct obligation of the state authority, such as the National Guard, which is assigned to the duty of an active state. Although the VOW ACT is presented to bring forth as a reinforced version for USERRA's policies to be implemented and practiced in a sound way. Most of the unemployment cases were aimed at discrimination against employees who have been honorably discharged from their uniformed service. The law further presents stated laws that restrict any and all forms of discrimination applicable to employment, similarly applying to housing, all forms of public accommodation, and all forms of lending and credit taking. The USERRA also provides guidance towards the Family Military Leave Act under which any spouse of a military service member is eligible to apply for fifteen days of unpaid leave at the time of the service member's deployment. These two Acts, namely the Uniformed Service Employment and Reemployment Rights Act and the Veteran Opportunity Act, aim to bring valid employment opportunities for the men and women who have served the nation and continue to prove as valid resources for the nation in the civilian job market.

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