



**MAINTAINING YOUR CAREER  
WHILE IN THE  
GUARD &  
RESERVES**

**MOAA.ORG/RESERVES**



# UNDERSTANDING YOUR RIGHTS AND BENEFITS



While Guard and Reserve service comes in various forms — with differences by state and by branch, for starters — the Military Officers Association of America (MOAA) has created this short guide to help you navigate your service by:

- Offering a better understanding of the resources available to you — both in and out of uniform.
- Providing insight from fellow Guard and Reserve members on everything from work-life balance to overcoming personal and professional obstacles.
- Directing you to other resources for deeper dives on questions that relate to your specific service situation, employment, or other factors.

This guide will provide a resource for the 800,000-plus members of the Guard and Reserve, as well as others who are considering entering this type of service — either from the civilian sector or after spending time on active duty.

## IN THIS GUIDE, YOU WILL FIND

**Get to Know USERRA** ..... **3**  
The key points to legislation that protect you.

**Know Your Rights** ..... **4**  
Resources and guidance to help avoid common service pitfalls.

**Making it Work** ..... **5**  
Business tips and more from our array of Guard and Reserve professionals.

**Get to Know MOAA** ..... **7**  
How membership can support your service and help others.

## GUARD AND RESERVE HISTORY CHEAT SHEET

**1636** **Old school:** The Army National Guard recognizes **Dec. 13, 1636**, as its birthday. On that date, the colony of Massachusetts passed legislation to organize three militia regiments. The four units that trace their lineage to those regiments — the 101st Engineer Battalion, the 101st Field Artillery Regiment, the 181st Infantry Regiment, and the 182nd Infantry Regiment — are recognized as the oldest in the Guard.

**1908** **Medical milestone:** The Army Reserve traces its official roots to the **Medical Reserve Corps**, which was created by Congress in 1908. However, the concept of the American “citizen-soldier” dates back much farther, as shown by the iconic **Lexington Minuteman** that’s long been a part of Reserve unit crests.

**1915** **Great War origins:** The Naval Reserve formed March 3, 1915, and the Marine Corps Reserve formed Aug. 29, 1916, both as the U.S. weighed involvement in World War I. One catch for the sailors: Only enlisted Navy veterans initially were able to sign up for Reserve duty.

**1918** **Joining the cause:** Opha Mae Johnson, the first woman to enlist in the Marine Corps, joined the Marine Corps Reserve in 1918.

**1947** **Fly. Fight. Win.** The Air Force and Air National Guard both celebrate Sept. 18, 1947, as their birthday — the date the service separated from the Army. The oldest continuously serving Air Guard unit predates the service itself: The Minnesota Air National Guard’s **109th Airlift Squadron** was formed in 1921.

# GET TO KNOW USERRA

One of the key pieces of legislation that lays out your rights and benefits as a National Guard or Reserve member is the Uniformed Services Employment and Reemployment Rights Act (USERRA). Here are some basics regarding how USERRA works. You can find more at the **Employer Support of the Guard and Reserve website**.

## USERRA Basics:

- Employers cannot discriminate against a current or potential employee based on that individual's military service, past or present, or their intention to serve.
- If servicemembers are required to leave their job to fulfill their military obligation, they are eligible for reemployment (in most circumstances) in a position they would've occupied had they not been called to service.
- What about part-timers? USERRA protections don't discriminate based on the type of work or the amount of hours being worked. However, there are some common-sense limitations: Seasonal workers, for example, would not be entitled to resume their positions during the off-season. Independent contractors are not covered by USERRA.
- What about health care? For military-related absences of 30 days or less, your employer must keep you on your existing plan as if you hadn't left the job. For absences longer than that, your employer must keep you on for at least 24 months, should you want the coverage, but can charge you up to 102% of the rate charged to other employees.



**I've never had an employer say to me, "I wish you weren't in the military."**

– **Ltc. Andy Field**, *professional voice-over artist and Army Reserve member*.

Learn more about how he balances his career and service on p. 6.



## YOUR RESPONSIBILITIES

Not all parts of USERRA automatically apply to every Guard and Reserve member. You'll need to follow some rules and do some work to ensure you're covered. For instance:

- You must provide your employer with **advanced notice** of your military obligation.
- You must return to work in a **timely manner** (see below).
- You must not have been separated from service under other-than-honorable conditions or received a disqualifying discharge.

## REEMPLOYMENT RIGHTS: NUMBERS TO KNOW

- Servicemembers who've left their civilian jobs because of military obligations remain eligible for reemployment for up to **five years**. Visit **here** to learn about exceptions to this rule.
- To be eligible for these protections, servicemembers must return to work within set timeframes, based on the amount of days they've been away for military obligations:

0-30 days	31-180 days	181+ days
Return to work on the next workday, allowing for travel and eight hours' of sleep.	Apply for reemployment within 14 days after service obligation. (Reemployment applications don't have to follow any particular format; in some cases, they might be simple verbal agreements).	Apply for reemployment within 90 days after service obligation.



# KNOW YOUR RIGHTS

## GOING BACK TO WORK



These protections aren't just about ensuring your paycheck: USERRA is designed to allow Guard and Reserve members to return to their civilian positions without being punished for their time in uniform. Some examples:

- Under most circumstances, the law requires you to be reemployed at what's called an **"escalator position"** — a job you reasonably would've occupied had you remained on your current career path and not incurred a service responsibility. That's usually good news, but there might be circumstances where the escalator goes in the wrong direction: If everyone at your position received a salary cut or was demoted as part of a companywide reorganization, for instance, your employer might argue you should return at a similar grade.
- USERRA protects not just your pay, but also your seniority and any other job standing you earned prior to leaving for military obligations. Note: This only applies when your workplace takes such factors into consideration; USERRA doesn't require employers to consider seniority when handing out promotions, raises, etcetera.
- If you would've taken a test or been otherwise evaluated for a promotion during your time away, the employer must give you a "reasonable amount of time to adjust to the employment position" prior to giving you that test or evaluation, according to official USERRA guidance.



### WHAT ABOUT PUSHBACK?

If you believe your employer is not complying with the law, you can request mediation through ESGR. Call (800) 336-4590 for details, or visit [here](#).

SOURCE: EMPLOYER SUPPORT OF THE GUARD AND RESERVE (WWW.ESGR.MIL)

## MORE GUARD AND RESERVE RESOURCES

Whether you're seeking more tips on building a career or a business, or you're just looking for answers to benefits questions, here are a few more resources to consider.

- **Find a mentor.** American Corporate Partners has helped more than 15,000 veterans advance their careers (and their career networks) by putting them in touch with the right guides. Learn more from this MOAA partner [here](#).
- **Start fresh.** Considering an entrepreneurial approach? The Small Business Administration offers many benefits, programs, and resources for servicemembers of all types. Learn whether you're eligible and what is available [here](#).
- **Download MOAA's Benefits Guide.** *Military Entitlements: Benefits for Guard and Reserve* is a 30-page booklet offering detailed descriptions of your benefits, from medical coverage to retirement to countless other financial topics. MOAA Premium and Life Members can download the booklet [here](#). Not a member, or want to upgrade your membership? [Join here](#).

## OTHER GUARD AND RESERVE PROTECTIONS

The Servicemembers Civil Relief Act (SCRA) offers a variety of financial and contractual protections to reservists on federal active duty and National Guard members on federal orders, in addition to active duty servicemembers. Those benefits include:

- A 6% interest cap on debts incurred prior to joining the military.
- Protection against certain types of foreclosures while in service and for a year after leaving service.
- Protection in other financial-hardship cases, including against some types of vehicle repossession.
- The ability to terminate a residential lease, after giving a copy of military orders to a landlord, 30 days after the next rent payment's due date.

Visit [here](#) for more details on the SCRA. While the law does not cover other types of reservists and National Guard members, some state laws have similar provisions.

# MAKING IT WORK

No two service paths or career paths are identical, so MOAA reached out to a quartet of Guard and Reserve members with very different jobs both in and out of uniform to see how they've found success. Their stories and advice might help you reach your goals.

By Amanda Dolasinski

## LOGISTICIAN/MOTIVATIONAL SPEAKER

**Cpt. Deshauna Barber, Army Reserve**

**In uniform:** Logistics captain in Army Reserve, inspired by her parents who met at Fort Benning, Ga., while serving in the Army.

**Out of uniform:** Motivational speaker, former government worker, former Miss USA (2016), becoming the first servicemember to win the pageant.

**Finding balance:** "I spent about seven years [working] in government. There were definitely moments when I had annual training and had to go away. I had to talk to my employer about that. Usually what I do is schedule a meeting and bring notes and orders with me. I make sure to make it very clear at the beginning of my hiring process that I am in the military. I think the best thing you can do is be incredibly clear up front."

**Facing obstacles:** "I think the biggest challenge is being flexible. When you're in the Reserve, you have to learn to plan, schedule, and be flexible. You just learn to take the good with the bad and the ups and the downs. The changes happen, so I always think it's good to be as flexible as possible and go with the flow."

**Words of wisdom:** Weigh the pros and the cons and understand what your motive is. I wanted to be a servant and leader in my community, and my second motive was to pay for school. Understand the commitment that comes with (serving in the military). Decide if it works for you."



## BATTALION COMMANDER/BREWER

**Maj. Steve Gagner, Vermont Army National Guard**

**In uniform:** Battalion commander, Army Mountain Warfare School, Jericho, Vt.

**Out of uniform:** Cofounder, 14th Star Brewing. The Vermont-based brewer has beers distributed in seven states and the UK.

**Finding balance:** "I maintain a pretty mammoth calendar. I wake up at 4:30, go to my Army job, and spend time with my family. Then when the kids go to bed, I do more work. Sometimes I take time off on military leave so I can work my other job."

**Facing obstacles:** "I found that I have to set reasonable expectations for myself. Since I'm on active duty in the Guard, I have to pace myself. I also set expectations at the other job. That has helped me not take on too much and not burn out."

**Words of wisdom:** "Go for it. ... The time required of you [as a Guard or Reserve member], while not insignificant, pales in comparison to the benefits that will arise. I don't think there is a better leadership laboratory."



## BRIGADE LEADER/STARBUCKS DISTRICT MANAGER

**Col. James “Fritz” Porter, Army Reserve**

**In uniform:** Commander of 304th Sustainment Brigade in Riverside, Calif.

**Out of uniform:** District manager for Starbucks, St. Louis, where he manages multiple locations of the iconic coffee chain and works to drive business to the area.

**Finding balance:** “I think it helps when you bring your immediate peers and boss along for the ride. If they understand your role and responsibility in your service, they’re more of a champion for you.”

**Facing obstacles:** When explaining military requirements, “I found it was important to be as detailed as possible. ... Really, my whole focus is how to get my store manager support while I’m out training. I’ve got a partner I’ve been developing and we’re able to plan on those periods. As long as it’s planned in advance, we can always adjust the [work] scheduling and have resources in place.”

**Words of wisdom:** Find a company that is committed to supporting service; Starbucks, for instance, recently completed its goal of hiring 25,000 veterans and military family members. “We’re a company that is very understanding of your service. ... When you have that type of welcoming environment, it’s so different.”



## ENGINEER/VOICE ACTOR

**Ltc. Andy Field, Army Reserve**

**In uniform:** Engineering project manager, 1st Special Forces Command.

**Out of uniform:** Self-employed voice actor who’s part of the popular “Five Nights at Freddy’s” video game series; former school teacher.

**Finding balance:** “Luckily, early in my career as a teacher and Army officer, annual training was in the summer. On occasion, I may have had to take a Friday off for a drill weekend and they maybe needed to get a substitute teacher. You can trust your employer to take care of it.”

**Facing obstacles:** “As a self-employed person, you can’t tell all your clients you’re going to be gone for a few months and I hope we can resume when I come back. If I get deployed, all of my self-employed income goes away. I think that’s an issue with a lot of Reserve soldiers if they own a business. If I go to go to Syria for a year, I can’t just set up a voiceover business in the barracks. I have to start all over when I get back.”

**Words of wisdom:** “The benefits [of service] far outweigh the hardships. The skills you gain as a military member — the leadership skills, people skills, teamwork skills — will impact you in your civilian career so much that it’s well, well worth it.”

# GET TO KNOW MOAA

## THE TAKEAWAY

There is no single path to success — both in uniform and out of it — for Guard and Reserve members. But this guide hopefully will provide you with the steps needed to maximize the benefits you've earned through service and some advice from fellow servicemembers who've carved their own paths. MOAA stands ready to assist its members as they navigate their military benefits and their private-sector options, with experts and resources that will help you reach your professional goals.



**More than 950,000 Guardmembers and Reservists have deployed since 9/11. Without them, our nation's fighting force would not be as lethal nor as effective. It's important that our nation's employers support these men and women who are willing to sacrifice everything in support of this great nation.**

**– Lt. Gen. Dana T. Atkins,**  
*USAF (Ret), MOAA president & CEO*

## MOAA IS HERE TO HELP

Changes to your benefits programs can be confusing. If you need help understanding the changes, MOAA has experts ready to assist our Premium and Life Members.

## ABOUT MOAA

MOAA is the nation's largest and most influential association of military officers. We are an independent, nonprofit, politically nonpartisan organization. With members from every branch of service (and their families), we are a powerful force speaking for a strong national defense and representing the interests of military officers at every stage of their careers. MOAA's highest priority is providing first-class service to our members. We are the leading voice on compensation and benefits matters for the military community, and we provide expert advice and guidance to our members.

## HOW TO JOIN

Membership is open to active duty, National Guard and Reserve, retired, and former commissioned officers and warrant officers of the following uniformed services: Army, Marine Corps, Navy, Air Force, Coast Guard, Public Health Service, and National Oceanic and Atmospheric Administration, as well as their surviving spouses. Visit [www.moaa.org/join](http://www.moaa.org/join).





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