

# SERVING WHO



# THOSE SERVE

Alumnus  
**Mathew Meyer,**  
a Minneapolis  
attorney and former  
Marine sergeant, helps  
Minnesota members  
of the National  
Guard and Reserve  
transition to civilian  
life and a bleak  
employment picture.

**M**ost people look forward to kicking back on their days off. Mathew Meyer's idea of a good time is to spend Saturdays working a booth in a hotel conference room or mediating a dispute between an employer and an employee. Both are part of the drill in his volunteer role to advance and promote the services offered to veterans by Employer Support of the Guard and Reserve (ESGR). Intensely devoted to ESGR's mission and modest about his successes, Meyer (B.A. '92) speaks out often on behalf of service members. For his multifaceted efforts, the Department of Defense honored him with ESGR's Minnesota Volunteer of the Year award in 2010.

ESGR was established in 1972, near the end of the Vietnam War, by the Department of Defense to promote understanding between civilian employers and veterans of the National Guard and Reserve. In the post-9/11 era, ESGR is more relevant than ever, primarily because almost half—48 percent—of United States uniformed service members are National Guard and Reservists, a historic high. As the wars in Iraq and Afghanistan wind down, veterans are returning to a civilian economy that is experiencing levels of unemployment not seen since the 1930s.

Meyer, who estimates he spends about 20 hours a month on ESGR activities, is one of 4,700 ESGR volunteers nationwide. "All are great people, true patriots, dedicated to helping the next generation," he says.

A South Dakota native, Meyer joined the Marines after high school, serving for six years and reaching the rank of sergeant, before enrolling at the University of Minnesota to study political science and international relations. He earned his J.D. from Cornell University and is now a commercial litigation attorney with the Minneapolis law firm Moss & Barnett.

When Meyer first got involved in ESGR, in 2004, he began as an ombudsman, using his legal background to resolve conflicts arising from an employees' military commitments. He soon started to help wherever he could, presenting briefing and training sessions or manning a booth at employment assistance workshops, job fairs, and other local community programs. He particularly enjoys presenting Patriot Awards, often a surprise, to supervisors or managers nominated by employees in appreciation of support related to their military obligations.

Meyer trained in Japan, the Philippines, and Korea, followed by embassy guard duty in Sudan and Switzerland, with one last stop in Honduras before discharge. "I felt a certain amount of reverse culture shock in making that transition from military into civilian life, though I was never in combat," he says. "I am aware of what these young service members go through. It's a 24/7 job. ESGR is one area where I saw I could help; anything to help the transition of these service members."

Meyer spoke more about his work on behalf of members of the Minnesota Guard and Reserve with *Minnesota* magazine.

**By Laura Weber**

**Photograph by Mark Luinenburg**

**MINNESOTA:** *What is the employment picture for returning vets in Minnesota and nationally?*

**MEYER:** Information that came out in November 2011 from the Bureau of Labor Statistics showed a dip in the unemployment rate overall [from 9.1 percent in November 2010 to 8.1 percent], as well as for veterans overall [from 8.6 percent in November 2010 to 7.4 percent]. The unemployment rate for post-9/11 vets, however, actually ticked up to 11.1 percent, from 10 percent a year earlier. Also, the Department of Defense found that among reserve component service members [those in the Guard and Reserve], the unemployment rate was much higher, over 19 percent. Furthermore, Minnesota was the state with the third-highest disparity between its unemployment rate for civilians and post-9/11 service member veterans.

We see this because our newest veterans are younger and don't have the kind of work history or networks that a lot of civilian employees would have already established. Many just graduated from high school and then went through training. So when there is a downturn in the economy, it will impact them much more than their civilian counterparts.

**MINNESOTA:** *What are some theories about the high unemployment rate for veterans in Minnesota?*

**MEYER:** Quite frankly, it really startled me, because I am aware through my work with ESGR that there are a lot of programs and a groundswell of support in local communities. After all, Minnesota came up with the Yellow Ribbon reintegration program, which was adopted as a nationwide model by the Department of Defense. And we also came up with Beyond the Yellow Ribbon, a uniquely Minnesota organization that organizes support among politicians, business leaders, and military families to encourage employers to hire service members to just plain volunteering to do things like mow someone's lawn while they are deployed.

There is some speculation that some of the veteran unemployment is because we have such a low rate of military participation as a percentage of the overall population. So employers—managers, supervisors, CEOs—who have made their way up don't have that kind of tradition. But that's the case nationally, not just in Minnesota.

Probably of more concern, with the war in Iraq over and the situation in Afghanistan ramping down, unemployment will not just affect reserve component troops, but the active duty military who will be discharged, perhaps involuntarily. For instance, the Navy recently announced thousands of petty officers are not going to be reenlisted, to satisfy budget concerns. In effect, they are being laid off [from the military].

**MINNESOTA:** *What does federal law say about employment rights of men and women who serve in the armed forces?*

**MEYER:** Employment rights for all uniformed service members, whether regular forces or Reserve and Guard, are covered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a federal law intended to ensure that persons who serve or have served: (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service. By the way, "uniformed services" also includes the commissioned corps of the Public Health Service and any other category of persons designated by the president in time of war or

national emergency, such as when FEMA responds to a disaster.

**MINNESOTA:** *What are examples of employers misunderstanding their responsibilities in regard to the law?*

**MEYER:** The principal misunderstanding is that, with very few exceptions, USERRA applies to *all* employers, whether it's the mom-and-pop store down the road or a big corporation. Most federal employment statutes apply only to employers of a certain size. It's relatively easy for large corporations like Target or Best Buy to adjust their resources to make accommodations for a service member's training and deployment, but when you're dealing with a small employer who employs two or three people and one is deployed for a year, that's more disruptive and misunderstandings can arise.

It's unfortunate, but I'm sure there are some employers for whom the inconvenience and financial burden of employing Reserve and Guard members affect, whether overtly or subconsciously, how they relate to current employees or perhaps with hiring decisions.

The ESGR Ombudsman Services Program that I work with was established to provide information, counseling, and mediation on employment issues related to USERRA. We are essentially a bridge between employers and their service member employees. We are effective because we are mandated by law to be neutral. We are very cautious about explaining to both employer and employee that we do not advocate for either side. We are just trying to figure out what the situation is, advise everyone what their rights and obligations are, and try to patch up the relationship.

The most difficult issue from my perspective is when there is discrimination based on uniformed service. As in most employment discrimination cases it's hard to prove what's going on in someone's mind as to why they didn't hire someone or choose them for a promotion—unless the employer is foolish enough to make an explicit statement, which does happen.

**MINNESOTA:** *How has ESGR's role evolved since 9/11?*

**MEYER:** Keep in mind that ESGR is one cog in a whole machine of resources designed to address unemployment issues. We are constantly trying to connect employers with service members looking for positions.

With more veterans coming out of the Reserve and Guard since 9/11, we've seen employers not familiar with their obligations under USERRA. With more frequent and longer deployments, it only stands to reason there would be more issues that would come up, and more confusion.

It's not a simple matter of reemployment. The crux of reemployment obligations under USERRA involves what is called the "escalator position." In other words, the returning service member must be reemployed in the position they would have attained had they remained continuously employed during their absence due to military service. It may mean the same position—you know, the head cashier may have remained the head cashier. If promotion would have been based primarily on seniority, when the service member returns they have to be put in that position if they have seniority.

But escalators go down just as they go up. Since the downturn in the economy we see more of those situations. Maybe the company goes bankrupt or was bought out by somebody else. To what extent is the purchaser of the corporation bound by USERRA? They may need to reemploy an employee who left for service before they

purchased the company. It can get tricky.

A huge expansion of our mission, just over a year old, is the Employment Initiative Program (EIP), a partnership of ESGR and the Yellow Ribbon Reintegration Program. EIP's goal is to improve employment opportunities for transitioning service members and make it easier for employers to tap into the pool of talented men and women in the Guard and Reserve. We're dealing with significant unemployment issues that are only going to get worse when demobilization gears up.

**MINNESOTA:** *If veterans worked for a company that then laid people off, does USERRA obligate the employer to hire them back just because they're vets?*

**MEYER:** No. Let's use the example of "Sergeant Smith," who left for uniform service. If his employer can prove he would have been laid off had he been continuously employed, there is no position for him when he returns.

Where you get into a lot of uncertainty and dispute is when there is not a clear formula or standard that is used to determine who is terminated and who is retained if it's not strictly on seniority. If, on other hand, the employer finds it convenient to terminate the service member first because they are off on deployment, then there might be—there probably is—an issue under USERRA.

We work with service members about how to approach and work with employers to keep a good relationship. If a service member, right before he's supposed to work, calls up his supervisor and says, 'Hey, I can't show up for my shift because I'm going to Iraq,' that could cause friction. If they don't give notice, they don't have reemployment rights, with the exception of military necessity and secret missions. And we tell them, when you return, don't just show up on your employers' doorstep. Take into account their disruption, having to shift their schedule around, maybe even having to terminate someone they had to hire while you were gone.

**MINNESOTA:** *What is most rewarding to you about volunteering with ESGR?*

**MEYER:** I would say hanging out with young service men and women, but sometimes that just makes me feel old [laughs]. I don't want to overstate my role—but basically to help our national security by doing something for those who protect us. ■

*Laura Weber (B.A. '77, M.A. '88) is a Minneapolis-based freelance writer and historian.*



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