

Statement

Dr. L. Gordon Sumner, Jr.

Executive Director

**National Committee for Employer Support of the Guard and
Reserve**

Before the

Commission on the National Guard and Reserves

**“Challenges Facing Employers of Guardsmen and
Reservists”**

17 May, 2007

9:00 A.M.



L. Gordon Sumner, Jr., Ph.D.

Executive Director

National Committee for Employer Support
of the Guard and Reserve

L. Gordon Sumner, Jr. was appointed Executive Director, National Committee for Employer Support of the Guard and Reserve (NCESGR) by President George W. Bush on March 29, 2007. Dr. Sumner serves as advisor to the Assistant Secretary of Defense for Reserve Affairs on all matters involving employer support programs for all the Reserve components of the United States Armed Forces. These include the Army National Guard, Air National Guard, Army Reserve, Air Force Reserve, Naval Reserve, Marine Corps Reserve and the Coast Guard Reserve. The Executive Director is responsible for budget administration through the Department of Defense Planning, Programming, and Budgeting System and to provide administrative and logistical support for NCESGR, its staff and volunteer committees. As Executive Director, Dr. Sumner provides leadership and management for the programs and activities of more than 4,200 volunteers organized into 56 field committees throughout the states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Dr. Sumner has had successful careers as a civilian leader and a member of the United States Army. He recently was Vice President, Peduzzi Associates, Ltd., in Alexandria, VA with responsibilities for strategic development and operations management. He was the Managing Director, SYColeman Corporation, Arlington, VA, with program management responsibilities for the Army's Active Component / Reserve Component Integration Directorate; the Army Training Directorate's Resource and Program, Institutional, and Collective Training Divisions; the OSD, Department of the Navy, and the Defense Intelligence Agency's Foreign Language Program Offices. He served as program manager for the Army's Reserve Component Coordination Council and the Army Reserve Forces Policy Committee. Dr. Sumner has supported the NCESGR Committee and the Virginia ESGR Committee. He has served in key leadership positions within various national volunteer organizations as National Director, 82nd Airborne Division Association, a Trustee for the Military Order of the Purple Heart, and a member of the JSU Alumni Association's Board of Governors, Jacksonville State University, Jacksonville, Alabama.

Commissioned as a Reserve Officer, Dr. Sumner had a successful military career serving in a variety of Infantry, Air Defense, and Aviation command and staff positions worldwide. A decorated combat veteran, Airborne, Ranger, and Master Army Aviator, his last assignment prior to retirement in 1997 was Chief, Institutional Training Division, G3/ODCSOPS, Army Staff. As the Chief, his expertise of Reserve Components and the Army Training Strategy enabled him to assist the Army's Senior Leadership with prioritization, preparation, policy development and implementation of Army Training programs. Additionally, Dr. Sumner served as the Army's representative to the NATO's Army Training Sub-Group.

A 1975 graduate of Jacksonville State University, Alabama, he also received his Doctor of Philosophy degree from Madison University, an MBA from Auburn University, and a Masters in Education from Boston University. He is married to the former Vicki Leming and has one daughter, Andrea Michelle.

Chairman Punaro and members of the Commission: thank you for the invitation to offer my perspective on the challenges facing self-employed Reserve component members and the employers of reserve component members. Your invitation letter asked me to cover several salient points and I will give you the Department's position on those areas.

First, you asked what governmental and quasi-governmental organizations do to ensure the relationship between reserve component employee and employer stays strong? ESGR, on its own as well as in conjunction with strategic partners, engages in a number of efforts to ensure that employer support for the Guard and Reserves is sustained.

The cornerstone of ESGR's employer support efforts is the Statement of Support. ESGR is asking all known employers of National Guardsmen and Reservists to sign a Statement of Support, which publicly affirms that the employer supports the service of its employees in the National Guard or Reserve and commits the employer to comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA). When signed by the chief executive officer or other senior executive, the Statement of Support clearly communicates to all managers and employees within that organization that Reserve component service is supported. To date, thirty-six thousand (36,000) employers have signed Statements of Support.

The preamble to USERRA states that it is the sense of Congress that the Federal government will be a model employer, and the Federal government is the single largest employer of Guardsmen and Reservists. Last year, ESGR made history when it obtained a Statement of Support signed by all sixteen members of the President's Cabinet.

ESGR positively recognizes and reinforces outstanding employer support through a series of awards, beginning with the Patriot Award and culminating with the Secretary of Defense Employer Support Freedom Award, the Department's highest honor for employer support. Any National Guardsman or Reservist can nominate their supervisor for a Patriot Award and in the past two years, ESGR has presented more than forty-one thousand (41,000) Patriot Awards to supportive employers. Each year, National Guardsmen and Reservists are encouraged to nominate their employers for the Freedom Award, and the Secretary of Defense presents Freedom Awards to as many as fifteen employers. In 2007, more than eleven hundred (1,100) Guardsmen and Reservists at home and deployed took time to nominate their employer for a Freedom Award. The 2007 Freedom Awards will be presented at a patriotic ceremony on September 12th at the Ronald Reagan Building and International Trade Center. I would be honored to have you and all of the Commission members attend that outstanding event.

ESGR also reinforces the relationship between employers and employees through its informal USERRA mediation. ESGR has more than 900 volunteers who are trained in USERRA and alternative dispute resolution techniques. These volunteers informally assist members of the Reserve components and their employers when issues arise out of Reserve component service. While statutory authority to investigate USERRA claims resides with the U.S. Department of Labor, ESGR's informal mediation helps employers and their employees quickly and easily resolve USERRA issues. ESGR's informal mediation improves employer support by improving the ease with which all employers, particularly small businesses, can comply with USERRA.

ESGR maintains a number of strategic partnerships with other governmental and quasi-governmental organizations, as well as trade associations, in order to positively impact employer support. The Service Corps of Retired Executives (SCORE) and the Small Business Administration are two of ESGR's strategic partners that have expertise and programs that can benefit small businesses and Reserve component member-owned businesses. As Reserve component members who own small businesses or other small business owners contact ESGR, we refer them to these organizations that are best-suited to assist them.

ESGR also has strategic partnerships with the Society for Human Resource Management (SHRM), the National Federation of Independent Business (NFIB), and the U.S. Chamber of Commerce. These organizations provide ESGR with a number of avenues for communicating about USERRA and employer support, as well as provide ESGR with important insight into how reserve component utilization affects employers.

Your second question asked what current programs could be improved to keep employers apprised of federal laws and regulations concerning reserve component employment?

Perhaps the most important development for ESGR has been the development and implementation of the Civilian Employer Information (CEI) database at the Defense Manpower Data Center (DMDC). Prior to the development of CEI and the Undersecretary of Defense for Personnel and Readiness memorandum making it mandatory for reserve component members to provide CEI with information on their civilian employer, the Department of Defense had nothing more than anecdotal evidence as to where Guardsmen and Reservists were employed.

The CEI database has allowed ESGR to communicate directly with the known employers of Guardsmen and Reservists. ESGR is using the CEI database to obtain signed Statements of Support. ESGR has produced a training DVD designed to educate first line supervisors on their responsibilities under USERRA. Nearly one hundred and eighty thousand (180,000) of these training DVDs have been mailed to known employers of Guardsmen and Reservists as identified through the CEI database.

In its 2007 report entitled, "Military Personnel: Additional Actions Needed to Improve Oversight of Reserve Employment Issues," the General Accountability Office (GAO) noted that of the seven reserve components, only the Army Reserve had met the Department of Defense's established goal of 95% compliance with the Undersecretary's mandate for members of the Selected Reserve to report civilian employment information. The Department of Defense partially concurred with this recommendation and noted that timeframes for compliance are in place. Furthermore, the GAO noted that "[a]lthough reservists are required to update their employment information when changes occur, the extent to which this update is occurring and the extent to which DOD's employer data include current employer information is unknown." The Department concurred with this recommendation and noted that a revised DoD Instruction 7730.54, "Reserve Components Common Personnel Data System," requiring Guardsmen and Reservists to annually review and update their civilian employment information is currently in the staffing process.

ESGR is routinely asked by Members of Congress, senior Defense officials, industry trade groups and the media about the state of employer support in the United States. To date, the Department of Defense has not conducted a statistically valid survey of employer attitudes regarding the transformation from a strategic reserve to an operational reserve and the impact that mobilizations are having on American employers. ESGR needs a routine, systematic and statistically valid survey, much like the Status of Forces Survey, to effectively track employer attitudes and issues in order to advise and assist the Secretary of Defense and Assistant Secretary of Defense for Reserve Affairs on matters pertaining to employer support and its impact on recruiting and retention. The Office of the Assistant Secretary of Defense for Reserve Affairs has contracted for a research and studies program to conduct a survey and analysis, "Economic Costs to Employers for Mobilized RC Employees." The results of this study should be available later this fall.

Your third and final question was what can be done to lessen the impact on a small business of the mobilization of a Reserve component employee?

To the extent that ESGR has considerable expertise on USERRA and provides free education and training to employers, ESGR can significantly reduce the cost of compliance for small employers. As you are fully aware, the cost of USERRA compliance is relatively insignificant compared to the operational and economic impact on small business when an employee is mobilized for military service.

The challenge in lessening the impact of the mobilization of a reserve component employee or employees on a small business is that ESGR's resident expertise is on USERRA, not business. The term "small business" is imprecise, and can refer to an employer of one or one hundred. As the Commission can appreciate, the impact of a mobilization on an employer of one is dramatically different than it is on an employer of one hundred. The mobilization of an employee of a law firm will likely have a different impact than the mobilization of an employee of a construction company or an independent restaurant. The mobilization of an employee of a family-owned business or a reserve component member-owned business will likely have a different impact than the mobilization of an employee of a partnership.

I believe that the federal agency that is best suited to assist and advise small businesses is the Small Business Administration. The SBA aids, counsels, assists and protects the interests of small business concerns, in order to preserve free competitive enterprise and strengthen the overall economy of our nation. As I mentioned before, the Small Business Administration is one of ESGR's strategic partners, and as the new executive director, I am committed to working with the SBA to ensure that we minimize the impact of mobilizations on small businesses and Reserve component member-owned businesses.

This concludes my prepared remarks. I hope that I have been able to clarify some of the challenges facing self-employed reserve component members and the employers of Reserve component members. I look forward to your questions.