

Senator Richard Burr, Ranking Member

STATEMENT OF SENATOR RICHARD BURR

October 31, 2007

Room SD-562, Dirksen Senate Office Building

9:30 a.m.

Thank you, Mr. Chairman, and thank you to all of our panelists for being here today. We are here to discuss a very important topic: whether we as a nation are doing enough to protect the civilian careers of those who serve in our Armed Forces, particularly members of the Guard and Reserve.

It is incumbent on all of us to recognize and honor the tremendous sacrifices that these servicemembers and their families continue to make and help ease their transition as they move forward. More than 60 years ago Congress recognized that those who serve our country in a time of need should be entitled to resume their civilian jobs when they return home. After Congress passed the first law providing reemployment rights to servicemembers in 1940, President Roosevelt said these rights were part of "the special benefits which are due to the members of our armed forces -- for they 'have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us.'"

As we all know, the sacrifices by this generation of servicemembers are just as profound. More than one and a half million Americans have been deployed to fight in the War on Terror. In North Carolina alone, nearly 1,600 members of the Guard and Reserves are serving today. Many left behind not only family and friends, but valued civilian careers. For them, the modern reemployment law, the Uniformed Services Employment and Reemployment Rights Act, or USERRA, requires that they be given their jobs back when they return home, with all the benefits and seniority that would have accumulated during their absence.

Many employers are not only complying with this law but are going above and beyond what's required in taking care of their Guard and Reserve employees. In fact, last year a company in my home state -- Skyline Membership Corporation - joined a distinguished list of employers that have received the Secretary of Defense Employer Support Freedom Award. This award is the highest recognition that is given to an employer who demonstrates extraordinary support of their employees who serve in the Guard and Reserves. I am proud of Skyline's leadership, and I encourage more employers to follow their lead.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that "the Federal Government should be a model employer" when it comes to complying with this law. In my view, this means the Federal government should make sure that not a single returning servicemember is denied re-instatement to a federal job. But unfortunately, we aren't completely there yet.

For those who encounter problems when they attempt to resume their federal jobs, Congress authorized a demonstration project to determine whether they would be better served by having their complaints investigated by the Office of Special Counsel rather than the Department of Labor. Having looked over today's testimony on the results of that demonstration project, I

would make this general observation: Many of the recommendations offered involve process -- such as improving data reliability and ensuring internal reviews. However, the truly critical issue - and the one I am most interested in hearing about today -- is not about the process but about outcomes.

I want to know whether we are preventing USERRA violations from occurring in the first place. When problems arise, are servicemembers getting timely resolutions to their concerns? And are they satisfied with the service they receive? Whether it is done by the Office of Special Counsel or the Department of Labor, it must be our goal to make sure that the answer to these questions is always "yes." We owe nothing less to those who have served and sacrificed so much for our nation. And I hope today we will come closer to determining how best to structure this system to achieve that result.

As for the second focus of the hearing today, the Dole-Shalala Commission recently recommended that Congress amend the Family and Medical Leave Act to provide up to six months of leave for family members caring for seriously wounded servicemembers. As we consider this legislative change, I hope employers across the nation will not wait, but will act now to provide whatever accommodations they can to protect the jobs of these family members. I hope employers will show their gratitude for the sacrifices of our wounded servicemembers and the sacrifices of their family members who are a critical part of their recoveries.

Mr. Chairman, I take very seriously the Commission's recommendation that we change the law to ensure that the jobs of these family members are protected, and I look forward to hearing from our witnesses about how we can best go about implementing that recommendation. Given the tremendous sacrifices of these family members, protecting their livelihoods is simply the right thing to do.

Thank you, Mr. Chairman, I yield the floor.