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ESGR plans for soldiers" return - Group recognizes Blount Circuit Court Clerk

Darren Dunlap

National Guard soldiers returning from Iraq will have an ally should they not be able to return to jobs with their previous employers.

The Tennessee Employer Support of the Guard and Reserve (ESGR) has been asking companies and elected officials to adopt standards that recognize a federal law that enables the soldiers to retain their jobs, the Uniformed Services Employment and Re-employment Rights Act.

Ken McFetridge, a retired lieutenant colonel and volunteer for the ESGR, said the group has focused its efforts on elected officials in hopes that civilian corporations will follow suit.

"Some companies are really supportive," said McFetridge, who works at an ESGR office in Alcoa. Some are upset that they're losing soldiers during overseas assignments.

McFetridge recognized Blount County Circuit Court Clerk Tom Hatcher Tuesday for his office's support of an employee deployed to Iraq with the 278th Regimental Combat Team. The soldier serves with the 278th Regimental Combat Team of the Tennessee Army National Guard.

Hatcher signed a "5-Star" statement of support showing support for employees in the National Guard and Reserve. Blount County Mayor Beverley Woodruff signed one of the statements this year, as did Sheriff James Berrong, according to McFetridge.

Hatcher was also recognized for going "above and beyond" policies and programs to support the employee. The employee was allowed to maintain his benefits during his 18-month tour of duty. Under the law, an employer doesn't have to give benefits while the soldier is gone. They are required to provide benefits during a 30-day transition period in which the soldier changes to the military health plan, called TriCare.

TriCare is a good program, said McFetridge, but the problem is that there aren't a lot of providers accepting the military health benefit plan.

Should soldiers have trouble returning to their jobs, or if an employer doesn't want to hire a

returning soldier back, the ESGR has an ombudsman program where trained lawyer-mediator try to help the parties reach an agreement. There are 50 trained lawyer-mediators in Tennessee, and they all volunteer to help the ESGR, according to McFetridge.

Should the employer and soldier not be able to reach an agreement, the soldier can go through the U.S. Department of Labor. The ESGR doesn't file suit or complaint on behalf of the soldier.

"We don't do that," said McFetridge. "It's up to the individual. We provide the support, the mediation. We give them the tools to do that, if they choose."

Mediation has a high rate of success, about 95 percent, according to Joe Thomas, state chair of the Tennessee ESGR. The mediation process is an education process, and usually companies just need to be made aware of laws, he indicated.

Thomas doesn't anticipate that companies and local governments won't be supportive. He said they've been "overwhelmingly" supportive, and that one ESGR ombudsman at Camp Shelby has gotten good response during demobilization at Camp Shelby, Miss., this week.

"He has not had a soldier yet who has had a problem with their employer," Thomas said.

Thomas advised soldiers or families with questions for the ESGR to call 1-800-336-4590 or 615-313-3029.
