

### **Objective**

To gather information on the *Uniformed Services Employment and Reemployment Rights Act of 1994* (USERRA) violations at the Social Security Administration (SSA) and determine how SSA employees with military leave viewed SSA as an employer.

### **Background**

Congress enacted USERRA to protect the employment and reemployment rights of Federal and non-Federal employees when they leave their employment to perform military or other uniformed service and return to civilian employment after service. In general, the protected person is entitled to reemployment with the same status, seniority, and rate of pay as if continuously employed during the period of service. Additionally, Congress believes the Government should be a model employer in carrying out the USERRA provisions.

To conduct our review, we obtained information on the number of Federal USERRA claims related to SSA for Fiscal Years (FY) 2009 through 2012. Additionally, we obtained data from SSA's Mainframe Time and Attendance System as of March 2011 and identified 50 individuals who had military leave.

### **Our Conclusions**

The data we obtained showed that, for FYs 2009 through 2012, the U.S. Department of Labor's Veterans' Employment and Training Services (VETS) and the U.S. Office of Special Counsel (OSC) reviewed 935 Federal USERRA claims. Of these 935 claims, 17 (2 percent) involved SSA employees and/or applicants. Furthermore, of these 17 claims, VETS and OSC determined that 4 had merit.

Additionally, of the 50 SSA employees we identified who had military leave, we received feedback from 27. The majority of responses showed these individuals had no concerns regarding their USERRA rights. Specifically, of the 50 SSA employees in our review,

- 21 provided favorable feedback about working for SSA as they had no concerns regarding their USERRA rights;
- 6 provided less than favorable feedback about working for SSA, of which 1 filed a USERRA claim in 2007 that was found to have no merit; and
- 23 (17 current and 6 former SSA employees) did not provide any feedback of their experience working for SSA and having military leave.