

Focus Group Protocol Questions for Employers of Reservists

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Welcome, and thank you for coming. I'm [name of moderator], from the RAND Corporation, and this is [name of note-taker], also from RAND.

Let me begin with a little background on our research, the RAND Corporation and your role in this focus group.

I. Background

Employer Support of the Guard and Reserve (ESGR), a DoD agency has asked the RAND Corporation to study the effects on employers when Guard and Reserve members are absent from work because of military duty. The DoD is interested in understanding whether changes to the current Uniformed Services Employment and Reemployment Rights Act (USERRA) and to current programs managed by ESGR should be considered, given current utilization of the National Guard and Reserve and the continuing need to balance the rights, duties, and obligations of employers, RC members, and their families.

RAND is a non-profit research organization, independent of DoD. As part of this study, RAND is conducting focus groups of employers. You are here to participate in a focus group of employers. The discussion will last 60-90 minutes and will address issues related to the effect that a duty-related absence has or could have on your business and the things that make that effect larger or smaller. We will also be asking about your perspectives on USERRA and support programs provided by ESGR. As an employer who employs or could potentially employ an RC member who is called to active duty, you have a unique perspective on the effect that the "operational reserve" has on employers. Obtaining your company's perspective is essential to our study; it will provide valuable information to supplement a recent survey effort carried out by DoD.

Your participation in this group is voluntary. You were randomly selected for participation in this focus group from employers in specific categories of particular interest for the purposes of our study. RAND will keep the information you provide to us during the focus group confidential. RAND will not release to DoD or anyone else the specific employers invited to the focus groups or those choosing to participate. We will report on general themes that emerge from the focus groups and will use such information in our final report. We will not link specific

Focus Group Protocol Questions for Employers of Reservists

comments to individual names or companies in any public report or any report to DoD. Additionally, neither employer nor individual participant names will be recorded in focus group notes or recordings and all records linking participating organizations to the study will be destroyed by RAND after the focus group has taken place. We also ask that each of you respect the confidentiality of other members of the group. Please do not repeat anything that is said here in a way that is attributable to a particular person or company. RAND cannot guarantee that everything you say during this discussion will be kept confidential by all participants, so please do not say anything that you do not wish to be disclosed.

We have organized the focus groups so that only specific types of employers are included in each group. This group is for [small employers, employers who are first responders, public sector employers, and medium to large private sector employers]. For each question, we ask you to respond from the perspective of your employer or firm.

Do you have any questions before we begin?

We'd like to record the audio of this session, so that we can supplement our notes. We will keep the recording confidential and destroy the recording once the notes have been validated and supplemented. We will begin recording after introductions. Does anyone have any concerns?

[Optional: Let's begin. – use if questions go off-track.]

Please write your name on the cards provided on the table.

I'd like us to begin with brief introductions; please state your name, describe your employer - including overall size of the organization and the specific worksite you represent (by number of employees) and the industry your company is in? Let's start on this side of the table.

II. Experience with RC Employees and Duty-related Absences

As a reminder, audio recording will begin now.

Q1: Does your company (or worksite) currently employ Guard and Reserve member(s)?

P1: If so, how many?

P2: If so, which reserve component(s) is/are your employee(s) a member of?

P3: If not, have you employed a Guard or Reserve member in the last 5 years?

P4: How long ago did you last employ a Guard or Reserve member?

Q2: For those that currently employ or have recently employed Guard and Reserve members, could you please describe any experiences with activation, mobilization or other duty-related absence you've had in the last 5 years?

P1: How many employees have been activated or mobilized in the last 5 years?

P2: How long was the period of activation and/or mobilization?

P3: Was the activation/mobilization voluntary or involuntary?

P4: Would you consider the employee (or employees) who were activated or mobilized in the last 5 years to be "key" employees – that is, an employee whose combination of skills is difficult to replace and/or is essential to the maintenance and growth of the business?

Focus Group Protocol Questions for Employers of Reservists

Q3: How does your organization feel about employing Guard and Reserve members?

P1: Are they viewed as an asset to your business?

P2: Do they perform better than other employees, perform about the same, or perform worse? Why do you think this is?

P3: Do they have any particular skills or qualities that other employees do not have? If so, please describe these skills.

III. Business Impact

Q1. How did or would your company handle an absence due to reserve duty (training, activation or mobilization)?

P1: Would it depend on the length of time the employee would be absent? If so, why?

P2: Would it depend on the employee in question – for example, whether the employee was a manager or in a key position? If so, why?

P3: Would it depend on how much advance notice of the duty-related absence you had? If so, why?

Q2: For those who have experienced an absence due to reserve duty, was it clear to you at the time of activation if and when the employee would return to work?

P1: If not, what factors contributed to that lack of clarity?

P2: How did the Guard or Reserve member notify you of his or her duty-related absence? Would you have preferred to be notified in a specific manner (for example, in writing)?

P3: Did that employee return to work with you at the end of their active duty?

P4: If the employee returned to work with you, were there any problems associated with the transition of the employee back to the workplace? If so, please describe.

Q3: In what ways does or could a reservist's absence affect your business?

P1: What direct costs could your business incur (for example, recruiting, hiring and training a replacement, or increased overtime or benefits plan costs, lost business, etc.)?

P2: What are or would be the estimated magnitude of these direct costs?

P3: What are or would be the indirect costs to your business (for example, disruptions in scheduling, workflow, or product delivery, or increased workload and decreased morale of other workers)?

P4: What are or would be the estimated magnitude of these indirect costs?

P5: How likely is it that you would incur these costs?

P6: Are there any other problems for your business that a reservist's absence could cause?

Q4: What aspects of the Guard or Reserve member's absence would have the biggest influence on your business?

P1: How does the **predictability and timing of advance notice** of the Guard or Reserve member's absence affect your business? Is there a threshold below which

Focus Group Protocol Questions for Employers of Reservists

the influence of the timing of advance notice is not significant or above which it begins to impose significant costs?

P2: How do the **duration, frequency and time between absences** of the Guard or Reserve member's absence influence your business? Are there thresholds above or below which these factors are not significant or begin to impose significant costs?

P3: How do **the frequency, predictability and duration** of absences influence one another in terms of your need for advance notice and the overall effect on your business? For example, are shorter, predictable, more frequent absences easier to manage than fewer, longer ones?

Q5: What are the costs and challenges, if any, of providing health care benefits to the Guard or Reserve member during his or her duty-related absence?

P1: Is it costly for your business to maintain health care benefits to the Guard or Reserve member and/or dependents during the duty-related absence? If so, why?

Q6: How does or would the nature of the job held by the Guard or Reserve member influence the effect of his or her absence on your business?

P1: Does whether the employee is considered a key employee (for example, is a manager or has specialized, hard-to-replace skills) affect the impact the absence would have on your business? If so, why?

Q7: Are there any programs or forms of assistance that could help your organization better manage duty-related absences?

P1: What type of program or outside assistance could help you decrease the direct or indirect costs that a reservist's absence imposes on your firm?

P2: For example, would tax incentives for hiring Guard or Reserve members or reimbursement of Guard or Reserve -related expenses assist your business?

P3: Would you find replacement or transition assistance, flexibility to reschedule RC duty, a stronger relationship and better connection to U.S. military, and/or loans or grants for businesses impacted by activation helpful for your business?

Q8: Under current DoD policy, the duration of Guard and Reserve mobilizations is limited to one year. The contiguous training model allows the Guard and Reserve to combine scheduled annual training and weekend drill periods for the purposes of pre-deployment training to be conducted immediately prior to a mobilization. From an employer's perspective, this model may result in fewer, but longer, Guard and Reserve absences in cases where Guard and Reserve members are mobilized and receive up to 45 days of "contiguous training" immediately prior to that mobilization. Do you think that the contiguous training model is helpful to employers?

P1: Why or why not?

P2: Do you feel the contiguous training model has had or could have an effect on the costs of absence to your firm?

P3: Does your perspective on this change depending on the length of time between deployments (i.e., two, three, four, five years).

Focus Group Protocol Questions for Employers of Reservists

Q9: How did or would your company handle regular absences due to reservist training?

P1: How is the effect on your business of regular absences due to reservist training different than the effect of a mobilization-related absence?

P2: Do you (or would you) handle these regular absences differently than mobilization-related absences? If so, why is this?

P3: Is it because of the difference in duration, in predictability, or due to other factors? If so, why?

IV. USERRA

Q1: Are you familiar with the Uniformed Services Employment and Reemployment Rights Act (USERRA)?

For those who may not be as familiar with USERRA, it protects Service members' reemployment rights when returning from a period of service. The Act requires that people who serve or have served in the Armed Forces, Reserves, National Guard or other "uniformed services:" (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.¹

Q2: Do you require your employees to sign agreements to engage in mediation or dispute resolution in lieu of legal action? If so, would USERRA violations be covered under these mediation agreements?

P1: Why did you decide to have employees sign these agreements?

P2: For how long has this system been in place?

Q3: Does your firm have a clear understanding of its legal obligations under USERRA?

P1: Which USERRA requirements are less clear than others?

Q4: Which aspects of USERRA are most difficult and/or costly to comply with and why?

P1: To what extent does this vary by employee, for example, depending on whether employee is in management or another key position?

P2: Are these aspects of USERRA more difficult and costly for certain types of businesses than others? If so, why do you think this is?

Q5: How does DoD policy on the frequency and duration of activations influence your perspective on USERRA?

Q6: Does your business offer any additional military leave benefits, such as flexible hours or differential pay, that are not required by USERRA?

P1: If so, why did you decide to institute this policy?

P2: How long has this policy been in place at your company? What prompted its adoption?

¹ From ESGR's Supporting Statement for survey effort OMB packet

Focus Group Protocol Questions for Employers of Reservists

V. ESGR Programs and Support

Q1: Are you familiar with ESGR and the programs, awards and support it provides?

P1: What ESGR programs and awards are you aware of?

P2: Have you used any ESGR programs? If so, which?

P3: Have you received any ESGR awards, such as the Patriot Award Certificate of Appreciation, the Above and Beyond Award, the Pro Patria Award, or the Employer Support Freedom Award? If so, which?

Q2: If you have used any ESGR programs, which programs and supports are most useful and why?

Q3: If you have used any ESGR programs, which are least useful or not relevant to you?

Q4: Would you like to have more communication with or support from the Department of Defense related to your employment of Guard and Reserve members?

P1: If so, what sort of communication or support would be most useful to you?

VI. Other

Q1: Are you familiar with the Employer Partnership of the Armed Forces program?

P1: The Employer Partnership of the Armed Forces program connects employers with guardsmen and reservists; the goal is to help businesses meet their staffing needs and to help service members find supportive employment. What are your thoughts on this program?

P2: Do you think that similar programs could be helpful for all of the Guard and Reserve? Why or why not?

Q2: Would you be interested in having your job openings distributed to Guard and Reserve members through a DoD-run service?

P1: Could the DoD provide support by serving as a clearinghouse between employers and Guard and Reserve members for employment opportunities?

Focus Group Protocol Questions for Employers of Reservists

Appendix A: Use of Probes

For most of the questions included in this protocol, there are one or more probes after the question (marked as P1, P2, etc.). These probes are optional and will be used at the moderator's discretion to elicit further information about the question topic. It may be that during the discussion following the original question, all of the subtopics of interest to researchers are covered, and there would be no need to ask the listed probes. If, however, the discussion does not elicit enough detail about the subject or subtopics, the researcher will ask as many probes as necessary for completeness.

In addition to the listed probes, the moderator may also ask the following general probes after any of the questions or listed probes in the protocol. These will serve to elicit more detail if necessary.

General Probes:

- GP1: Could you please be more specific?
- GP2: Could you please tell us more about that?
- GP3: What is your best estimate?
- GP4: What do you think?
- GP5: If you had to pick one answer, what would you choose?
- GP6: Which answer [review answers if necessary] comes closest to the situation for your company?
- GP7: Is there anything else you would like to add?
- GP8: Please tell me more about this.
- GP9: Has anyone else experienced this?
- GP10: Does anyone else wish to share a different [experience with this / perspective on this topic]?
- GP11: What do others think about this? [Respondent], how about you?

In addition to the use of the general probes above, moderators may use any of the following techniques to gather information: repeating the question, repeating response for clarity, asking if informants understood question or need more information or clarification.