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OSC Helps Wisconsin National Guardsman

FOR IMMEDIATE RELEASE

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Michael Hanke, a Wisconsin National Guardsman who lost his job in 2010 with a U.S. Army contractor while on his second tour of duty in Iraq, received a settlement equivalent to several years of salary under an agreement negotiated by the Office of Special Counsel (OSC).

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects job rights for active and reserve members of the U.S. Armed Forces. OSC enforces USERRA for federal employees.

Mr. Hanke worked for a defense contractor called ComTek in 2009 when he left for Iraq. While he was away, the Army in-sourced much of the work previously done by ComTek, hiring many of the same employees. When Mr. Hanke requested the same treatment, the Army told him he could not be hired while on active duty. He requested reemployment when he returned from active duty in 2010, but both ComTek and the Army turned him down.

Mr. Hanke filed complaints with the Department of Labor (DOL) against ComTek and the U.S. Army Cadet Command, and he requested that the complaint against the Army be referred to OSC when DOL could not resolve it. OSC attorneys investigated the complaint and concluded that the Army violated USERRA by refusing to hire Mr. Hanke because he was on active duty. Additionally, a retroactive change to the law, enacted in late 2010, confirmed that the Army was responsible for reemploying Mr. Hanke when it in-sourced his former position. As a result, Special Counsel Carolyn Lerner agreed to represent Mr. Hanke to enforce his rights under USERRA. Once OSC informed the Army of the results of its investigation and OSC's decision to represent Mr. Hanke, OSC and the Army reached a settlement agreement that provides substantial compensation for Mr. Hanke, the exact amount of which is to be kept confidential.

"I applaud the Army Cadet Command for reaching a fair and equitable settlement on Mr. Hanke's behalf," said Ms. Lerner. "OSC will continue to press for the employment and reemployment rights of our veterans and National Guard and Reserve members, and for all federal agencies to live up to their obligation to be a model employer under USERRA."

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. For more information, please visit our website at www.osc.gov.