

Spring  
2013

# New Mexico



## Employer Support of the Guard and Reserve

# New NM ESGR Employees Will Increase Program's Effectiveness

## *Varied Background Will Help Specialist at NM ESGR*

Maj Todd Kontny is now Program Support Specialist for New Mexico ESGR.

Kontny was hand selected by the New Mexico Chief of Staff to be the military liaison for NM ESGR. Among his duties are:

- Setup and execute multiple civilian Boss Lifts and ESGR events and
- Manage ESGR's federal budget and represent all New Mexico Guard and Reserve soldiers.

He has written several articles for New Mexico Army National Guard Magazine about ESGR.

He has completed the Army's Intermediate-Level Education (ILE) program Phase I and is currently enrolled in ILE Phase II.

He has been in the New Mexico Army National Guard for 21 years and went to Army Basic training as an enlisted Soldier in 1992.

He has an Associates of Science from Albuquerque T-VI and a bachelor's degree in business management from Wayland Baptist University.

Kontny started in the State Officer Candidate School in 1999 and re-

*Continued on page 2*



*Maj Todd Kontny*

## *Calderon Coordinates Employment-Related Resources*

Lloyd Calderon now works at the New Mexico ESGR office as the Employment Transition Coordinator. He coordinates employment-related resources and assists reserve component (RC) members who seek employment.

To accomplish this, he coordinates the resources available to RC members and counsels them, referring them to appropriate organizations and resources so RC members can secure meaningful employment. He also assists those underemployed, bringing them to the point where they are more gainfully employed.

Calderon is a former investigator with the U.S. Department of Labor



*Lloyd Calderon*

and prior to that served as the director of the New Mexico Department of Veterans' Services Veteran Enterprise Training Program (VETPRO). A 22-year veteran of the U.S. Air Force, Calderon is also the principal of Calderon Consulting, LLC,

He has been involved with ESGR since his active duty days in Arizona and continued when he relocated to New Mexico. He is responsible for creating the veteran business boss lift concept and the Heroes Hiring Heroes programs in New Mexico. The Heroes Hiring Heroes job fair concept was embraced by the U.S.

*Continued on page 2*

## *Varied Background ... continued from page 1*

ceived his commission in January, 2001.

He was born in Vicenza, Italy and spent most of his years through high school in England and Turkey because his father served as an officer in the Air Force.

The place he has lived the most is Albuquerque where he has been since 1996. He has also lived in Montgomery, AL; San Antonio, TX; and Bentwaters AFB, England

Kontny graduated with a class of only 27 others from George C Marshall High School in Ankara, Turkey, and enjoys traveling internationally.

He has been on several missions and deployments including Cannon Air Force Base in New Mexico from 2002 to 2004, Qatar 2005, and in 2011 to Kosovo. He has completed seven Bataan Memorial Death Marches at White Sands Missile Range and competed in 2013.

Kontny is married to the former Caroline Eaton who is a school teacher from Sydney, Australia and has one daughter, Bronte. They are expecting a second



*Major Todd Kontny's duties with NM ESGR include thanking patriots who support the Guard and Reserve including Ro Torres and Mike Maxwell from the Golden Corral Restaurant in Albuquerque. Ro is prior Air National Guard and her husband Gerald is a member of the NM Army National Guard. Maxwell signed a Statement of Support for the Guard and Reserve. Left to right are Kontny, Torres, and Maxwell.*

child. His parents, Rod and Grace Kontny, are retired in Albuquerque. The couple still enjoys traveling.

## *Calderon Coordinator ... continued from page 1*

Chamber of Commerce and their Hero to Hired national program owes its beginnings to the New Mexico project.

Calderon was selected 2010 National Veteran Business Champion of the Year for the U.S. Small Business Administration, named Veteran Friendly Employer in 2005, and earned a New Mexico ESGR Seven Seals Award.

During his time in the service he earned the Air Force Meritorious Service Medal with one oak leaf



*New Mexico ESGR Employment Transition Coordinator Lloyd Calderon has been an active member of the NM ESGR committee. Above he accepts his Outstanding Performance certificate from New Mexico Field Chair Ray Battaglini, right, and TAG Andrew Salas, left, at a December breakfast.*

cluster, the National Defense Medal with two oak leaf clusters, the Air Force Commendation Medal with two oak leaf clusters, the Air Force Good Conduct Medal, and the Air Force Reserve Meritorious Service Medal with two oak leaf clusters.

In 2008 Calderon stood-up the New Mexico Department of Veterans' Services VETPRO program and has assisted service-disabled veterans in securing over \$39 million in federal contracts.

He secured a Small Business Administration five-year, \$750,000 grant to create the New Mexico Veterans Business Outreach Center. He also created a labor project with Verizon Wireless called Veteran-to-Verizon.

In addition, he assisted the Kahala Corporation in creating the "Boots-2-Business" initiative involving franchising opportunities for disabled veterans. He started four new outreach initiatives for women, Native Americans, reserve component and college students, each with their own social-media presence.

Calderon has a Master of Arts in Organizational Management from the University of Phoenix and a bachelors degree in Justice Studies from Arizona State University.

# Employers Who Hired Unemployed or Underemployed Guard/Reserve Honored

Employers from across New Mexico who hired under or unemployed members of the Guard and Reserve were honored with a special luncheon the end of February.

The event, held at the National Guard Armory in Albuquerque, was attended by more than 90 people and catered by Sadie's Restaurant.

In addition to the employers, and their employees, others attending included New Mexico Secretary of Veterans Services Tim Hale, Secretary of the Department of Public Safety Gorden Eden, Assistant Adjutant General for Air Colonel Steve Verhelst, and Chief of Staff of the New Mexico Army National Guard Tim Paul.

Receiving the special award were:

- Pepsi of Albuquerque which supplies beverages for ESGR events.
- The New Mexico Department of Public Safety for the Rapid Entry Program that reduces the actual training academy time for veterans.
- University of Phoenix Military Division for sponsoring the Lunch with an Employer event.
- Tresco which serves developmentally disabled in Las Cruces and hired a Guard/Reserve member.
- Rocky Mountain Mortgage for hiring a reserve component member.
- Calibers Shooting Range which hired four unemployed Guard/Reserve members.
- Intel Corporation for its mentoring efforts and support of the National Mobile Job Store.
- Sandia National Labs for its Wounded Warrior Career Development program and other projects.
- Tamaya Resort-Hyatt Regency for hiring an unemployed Guard/Reserve member.
- Exelis for hiring Guard and Reserve members.
- Headquarters of the Air Force Safety Center which hires many Guard and Reserve members.

Receiving Seven Seals Awards for outstanding support were the



*Department of Public Safety Secretary Gorden Eden, center, holds the Patriotic Employee Award given to the department. At left is Colonel Steve Verhelst and at right is NM ESGR Vice Chair Sandy Schauer.*

Albuquerque Hispano Chamber of Commerce, Intel, and the University of Phoenix-Military Division.

The Seven Seals Award for Outstanding Mentorship Efforts was presented to members of the New Mexico Human Resources Managers Association.



*Tracy Fria, center, holds the Seven Seals Award presented for Outstanding Mentorship Efforts to members of the New Mexico Human Resource Association for creating the NM ESGR Mentorship Program which assists Reserve Component members and their families during their job search. Standing on either side of Fria are other members of the association. Far left is Colonel Steve Verhelst and far right is Sandy Schauer*

# SW ESGR Honors Area Employers

The Southwest New Mexico ESGR Committee honored employers for their support of members of the Guard and Reserve at a February 2013 luncheon held at the Las Cruces National Guard Armory in Las Cruces.

The employers were presented with My Boss Is A Patriot Awards in recognition of their extraordinary support. The awards were presented by Colonel Tim Paul, New Mexico Army National Guard Chief of Staff, and Richard Lutz, the Southwest New Mexico ESGR Committee Area Chair.

Lutz explained that the My Boss Is A Patriot Award



Colonel Tim Paul, left, and Richard Lutz, right, SW NM Area Chair, stand with CPT Robert Ochoa of the Otero County Prison Facility. Ochoa, of Chaparral, received a My Boss Is A Patriot Award from the SW NM ESGR Committee.



Dr. Maria G. Castillo of New Mexico State University in Las Cruces, second from right, holds her My Boss Is A Patriot Award presented for her support of 2LT Salatiel Lopez, pictured second from left. Far right is Richard Lutz, SW NM ESGR Committee Chair. Far left is Colonel Tim Paul.

was created by ESGR to publicly recognize individuals who provide outstanding patriotic support and cooperation to their employees, who like the citizen warriors before them, have answered their nation's call to serve.

Employees of the following businesses and organizations were honored:

- Sears Holding Group
- Choice Hotels
- Bed Bath & Beyond
- Silver City Police Department
- M1 Support Services - Holloman AFB
- Angel Care New Mexico
- PNM
- Otero Federal Credit Union

Continued on page 5

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## *Lunch Presentations Explain ESGR, 150th Fighter Wing*

Some 30 members of the Albuquerque Rotary Club learned about New Mexico ESGR and the 150th Fighter Wing at Kirtland Air Force Base in Albuquerque during special lunch time presentations that took the place of the weekly Rotary meeting.

Participants gathered at the New Mexico Air National Guard building on Kirtland Base to begin their experience with a box lunch that included a sandwich, fruit, candy bar, chips and drinks. The lunch, prepared by the U.S. Air Force Food Services, reminded some participants of MREs, but more elegant.

Leaders from the 150th spoke about the mission of the organization and how it has changed over the more than sixty years the 150th has been in existence.

The 150th Fighter Wing is a community-oriented force of diverse citizen airmen who are immediately deployable for state and national emergencies when necessary. These airmen have a wide spectrum of capabilities and can perform a wide variety of tasks.

Many members of the 150th are cross trained so that members can help each other. The 150th is composed of medical, intelligence, mission support, and maintenance units. The 150th Fighter Wing is currently involved in a Chief of Staff-directed Total Force Integration with the USAF 58th Special Operations Wing and is standing up an Intelligence Target Production Squadron and a Red Horse Squadron.

### **SW ESGR Honors** *Continued from Page 4*

- Otero County Prison Facility
- Baja Broadband • All State Insurance
- El Paso Electric • New Mexico State University

Of special note was the presentation of an Above and Beyond Award to the Choice Hotels of Las Cruces for their nomination and selection as a semifinalist in the 2012 Secretary of Defense Freedom Award competition. The Above and Beyond Award is presented to employers who go that extra mile supporting service member employees and their families.

Former Southwest New Mexico Committee Area Chair Len Boulas said that word amongst the many service members at the luncheon was that they and many others in their units would not be able to meet their military service obligations without the support of their employers.



### **Air Force Safety Center Statement of Support**

Air Force Safety Center (AFSC) Executive Director James Rubeor, left, prepares to sign a Statement of Support as TAG Andrew Salas looks on. NM ESGR sponsored a luncheon at the center last fall during which Rubeor and other AFSC employees were honored for their support of Guard and Reserve members who work at the facility. Salas was an AFSC employee for several years. Rubeor serves in the Air Force Reserve so he signed the Statement of Support as an employer and a member of the Reserves.

*Clarissa Atchison of All State Insurance in Las Cruces receives her My Boss Is A Patriot Award at the Southwest ESGR New Mexico Committee luncheon. At right is Richard Lutz, SW NM ESGR Committee Area Chair.*



# Carlsbad Lunch Held at Local Armory

The 2012 Carlsbad Lunch With the Boss was held at the local National Guard Armory so guardsmen could participate in a “show and tell” of weaponry and equipment. In addition, the site created a direct communication between employers and guardsmen about their experiences in the Guard.

While speaker Harold Klaus (retired Army Captain) entertained the crowd during lunch, pictures of the local Guard during deployment to Afghanistan were shown. Klaus spoke about being in charge of the Transportation Unit in Iraq while deployed a few years ago.

Klaus has been a member of the Guard, an employer, and a Guard unit commander. He hired Carlsbad area guardsmen in need of employment.

The 2012 Carlsbad Lunch With the Boss was based on a picnic type of environment so the event was completely casual. Guardsmen paraded the col-



*Participants in the Lunch With the Boss chat with each other at the Carlsbad Armory during the event last September.*

ors, Army Captain Bill Prue gave the invocation, and the welcome was conducted by Mayor Dale Janway. Janway also spoke about belated Carlsbad Committee founder, Stanley Johnston (retired Major General), who will be missed for his guidance and abilities!

Twenty-two Statements Of Support were signed by those supporting the Guard and Reserve.

Tony Renteria, Carlsbad Area Chair, thanks New Mexico ESGR staff Gary Kaiser and Ernest Rodriguez, and New Mexico ESGR Field Chair Ray Battaglini for the help provided to make Carlsbad’s events successful.

## *Carlsbad Boss Lift Participants Fly in Black Hawks*

The Carlsbad area Boss Lift in September 2012 was a day of anticipation for area employers as they embarked on a short trip on a National Guard Black



*Carlsbad Boss Lift participants listen to explanations about the Black Hawk helicopter.*

Hawk helicopter. Carlsbad ESGR Committee Area Chair Tony Renteria reported that some employers were calling days before the event to make sure the flight was still on.

Carlsbad committee volunteers and Ray Battaglini, New Mexico Field Chair, met the employers at Chandler Aviation Terminal Building at 8:30 a.m. Friday morning for coffee, juice and donuts, as well as a short briefing.

The Black Hawks arrived after 9 a.m., followed by an introduction of Colonel Tim Paul to the area employers. The twenty bosses split into two groups of ten and proceeded to the two helicopters for a safety and helicopter information briefing before boarding. After a half hour in the air, the helicopters landed.

Every employer was excited and thanked the ESGR staff and Tony Renteria for the opportunity to fly.

# Roswell Boss Lift Folks Ride Black Hawks

Forty Roswell city officials and area employers participated in the rare opportunity to fly on a UH-60 Black Hawk helicopter with members of the National Guard C Co. 1 - 171, based in Santa Fe, as part of the Roswell ESGR Boss Lift in September.

Participants took off from Great Southwest Aviation and were in the air about 15 minutes. The event showed attendees a glimpse of what National Guard and Reservists do on military duty.

Gary Smith, area chair of the Roswell ESGR Committee, encouraged employers to consider Guard and Reserve when they need labor. "They're good, qualified people," he said. "A lot of times they bring additional skills that you may not be able to teach them."

Col Tim Paul spoke about the many jobs members of the National Guard perform. "Not only does the Guard fight the nation's wars, we serve in a state capacity too. This unit helped us a lot during the fires in Ruidoso. They could not do that just on Saturday or Sunday when they weren't working for you guys. We needed the help during the week. . . . We can't do our mission without you bosses."

*Thanks to the Roswell Record*

## Seven Seals Award Presented



*Major Nathaniel Carper accepts his Seven Seals Award for support of the Guard and Reserve from Southwest New Mexico ESGR Committee Area Chair Richard Lutz, left. The presentation was made at the Armory in Las Cruces where Carper is Battalion executive officer and full time administrative officer.*



*Nellie Daniel, an employment specialist for New Mexico Workforce Connection, tries out the Black Hawk during the Roswell ESGR Committee Boss Lift. Daniel frequently attends committee meetings. Roswell Area Chair Gary Smith said that Daniel enjoyed the Boss Lift and learned a lot about the Guard and Reserve.*

## Former TAG Montoya Thanked for Work with NM ESGR



*Former New Mexico TAG Kenny Montoya holds the Spirit of Volunteerism sculpture presented to him by NM ESGR Field Chair Ray Battaglini, left. Montoya received the award for his years of supporting NM ESGR. The presentation was made at a Fall 2012 special luncheon held to honor Montoya at Sadie's Restaurant in Albuquerque.*

# Albuquerque Journal Staff Members, Others Commended

The job of a reporter is to write about people being presented awards, but this story is about two reporters who were honored with an award.

*Albuquerque Journal* reporters Charles Brunt and Mike Hartranft were given Outstanding Performance certificates by New Mexico ESGR Field Chair Ray Battaglini during a December 2012 breakfast at Sadie's Restaurant in Albuquerque's North Valley.

Brunt and Hartranft have written and edited stories about New Mexico ESGR and its programs for many years. A several-page spread in the *Journal's Business Outlook* in early 2013 highlighted NM ESGR's 2012 Freedom Award winners.

Battaglini thanked the men for the work they have done promoting New Mexico ESGR. The men accepted their awards and said they looked forward to working more with the New Mexico ESGR staff on spreading information about the organization and its goals



*Albuquerque Journal Staff Reporter Charles Brunt, left, talks while Journal Assistant Business Editor Mike Hartranft looks on.*

## NM ESGR Participates In Sandia Labs Veterans Day



*Many people visited the New Mexico ESGR booth at the Sandia National Laboratories "Salute to Veterans Day" event at the Schiff Auditorium on Kirtland Air Force Base. Pictured above that November day are, left to right, Tom McCalmont of the Albuquerque ESGR Committee, NM ESGR Program Support Technician Gary Kaiser, BG Judy Griego (Director, Joint Force Headquarters), and Tim Hale, Secretary of NM Veteran Services.*

and objectives.

At the breakfast NM The Adjutant General Andrew Salas thanked NM ESGR for its "great work helping the New Mexico Guard and Reserve community." He added that ESGR is invaluable helping "our citizen warriors."

Col. Tim Paul updated the group on the activities of the New Mexico National Guard.

Several supporters of the ESGR mission were also presented Outstanding Performance certificates including Col Joel Harris, Lloyd Calderon, Pat Arrington, Paula Aragon, Bernice McCormack, and Becky Harris. Gentlemen's ties and ladies' scarves with the United States flag design were given to those attending.



*NM ESGR Ombudsman Charles W. Clark holds up the tie he received while ESGR Volunteer Rose Gherkin holds the scarf she was presented at the December breakfast. At left is TAG Andrew Salas and at right is NM ESGR Field Chair Ray Battaglini.*

# San Diego Boss Lift Participants Enjoy Air Force, Coast Guard, Navy and Marine Events!

By Major Todd Kontny  
New Mexico ESGR Program Support Specialist

A joint New Mexico and Arizona ESGR boss lift to San Diego highlighted the best of every military branch during a three day whirlwind tour in November 2012.

When employers first reached Kirtland Air Force Base they attended mission and safety briefs at the Air National Guard's 150th Fighter Wing. Soon they walked on the flight line for an up close look at the Idaho Air National Guard's A-10 Thunderbolt Warthog fighter used heavily in the first Gulf War. The Warthog features the tank-killing 30 mm Gatling gun.

Employers then boarded an Arizona Air National Guard KC-135 to San Diego. On the way they watched the crew perform air refueling operations with the A-10 and F-22 Raptors from Holloman AFB.



**Tracy Fria, Becky Harris and Bill Grotefend inside the KC-135 tanker on the 2012 Bosslift.**

In San Diego, the group was transported to the Coast Guard Base where the Station Commander gave a briefing on the capabilities of that Station. This was followed by a tour of the station, rescue helicopter operations, and cutter boats.

The evening was topped off with dinner at Mc P's Irish Pub before departing for the Navy Lodge.

Next morning the group toured the USS Sterett, an Arleigh Burke-class guided missile destroyer on the Navy Base Pier 7. Navy Ensigns eagerly took groups around the docked ship to show off the capabilities of the destroyer and the seamen who work on board.

Many bosses were surprised the young Navy seamen had huge responsibilities for the ship, and for other service members, during peacetime and wartime operations.

Following lunch, employers were taken to the Navy Helicopter Sea Combat Squadron 85, primarily used for delivering Navy Seals on Special Operations missions. Employers were encouraged to sit in the cockpit and handle the side-mounted weapons including ma-

chine guns and a Gatling gun.

Then it was off to tour the USS Midway, a decommissioned carrier turned into a floating museum with a collection of over 25 restored military aircraft.

The evening ended with dinner at the Fish Market, a San Diego favorite. During dinner employers were asked for their continued support hiring Guard and Reserve members.

Lloyd Calderon a member of the New Mexico ESGR group, explained the H2H.JOBS website and encouraged employers to post new jobs first on this site to give veterans an advantage in the hiring process.

Participants had to be ready at 5:30 a.m. the next morning for the final day. They started with a pleasant breakfast at the Navy Station North Island Golf Course and a short drive over the Coronado Bridge to Marine Corp Recruit Depot (MCRD), one of only two basic training sites for Marines in the United States.

Folks enjoyed the Marine Corp Color Ceremony, which teaches Marine Corp history, and included performances by the Marine Band San Diego with a Color Guard, all in one.

Boss lift guests sat in a VIP area for the ceremony, a very complex and precise event. The group watched a sea of recruits become "MARINES" for the first time. The graduation ceremony fills the heart of anyone watching with patriotism and support.

The group proceeded to the Navy Airfield to board the KC-135 to return to Albuquerque. The return trip gave everyone time to reflect on what they saw and to understand what military members are capable of.

Participants walked away from the boss lift with a better understanding of what the military does every day, and, hopefully, a better understanding of what the military member can do for their business.



**The USS Midway, a decommissioned carrier, is now a floating museum with restored military aircraft such as this.**

# ESGR Supporters and Patriots



Timothy and Sophia Eng from Love Frozen Yogurt Bar on Wyoming Boulevard in Albuquerque display the Patriot Award they received for supporting employee Nicholas Calderon, a member in the New Mexico Army National Guard, Delta Company. At left are Ernest Rodriquez and Victoria McCormack representing New Mexico ESGR.

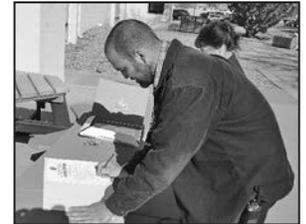


Dawn Marchiondo from CC&G Company, Kirtland AFB, displays her certificate given for her support of employee Jessica Muniz who is a member of the New Mexico Air National Guard, 150th Fighter Wing. Pictured above, left to right, are Maj Todd Kontny and Ernest Rodriquez, both of New Mexico ESGR, Marchiondo, and Muniz.



Mary H. Hume from Hume Veterinary Hospital in Albuquerque received a Patriot Award for supporting employee Jacklyn Sanchez who is a member of the New Mexico Army National Guard, HQ 515th RTI.

Joshua Konetzni from Sandia National Laboratories at Kirtland Air Force Base signs a Statement of Support. His employee Roy Cain is a member of the New Mexico Air National Guard 210th Redhorse Squadron and Cain is very appreciative of Konetzni's support of his military training and commitments.



David Perry from Perry Supply Company in Albuquerque, pictured at right with ESGR Committee member Vickie McCormack, received a Patriot Award for supporting his employee Robert Hardisty as a member of the New Mexico Army National Guard, "C" company, 1-171st GSAB. Perry signed a Statement of Support for the Guard and Reserve.



Michael Miller of the Albuquerque Police Department received a Patriot Award for supporting employee Christopher S. Baca. Baca is a Captain in the New Mexico Army National Guard, "B" Company, 1/200th IN and recently returned from a deployment. Pictured above are APD Deputy Chief Allen Banks, Miller, Baca and Maj Todd Kontny of New Mexico ESGR.



Burt Hunter from American Valet in Albuquerque signs a Statement of Support for the Guard and Reserve with employee Steven R. Perez looking on. Hunter received a Patriot Award for his support of Perez, a member of the New Mexico Air National Guard 150th Fighter Wing.

# Up, Up and Away at Albuquerque Balloon Fiesta



Albuquerque's Pepsi Beverage Company hosted 20 military and family members to parking, free admission, and breakfast at the company's VIP pavilion during 2012 Albuquerque International Balloon Fiesta. Two military members flew in a balloon thanks to arrangements made by Lori Borders from Pepsi and New Mexico ESGR team member Maj Todd Kontny. Kontny took care of all the invites and logistics to create a great event for lucky military members.



*Virginia Sedillo from the Defense Threat Reduction Information Analysis Center (DTRIAC) at Kirtland Air Force Base received a Patriot Award for supporting her employee Lisa A. Gonzales. Gonzales is a member of the New Mexico Air National Guard, 150th Fighter Wing. Sedillo signed a Statement of Support.*



*Lee Mangino from Premier Distributing Company, in Albuquerque, pictured left, received a Patriot Award for supporting employee Specialist E4 Gabriel Vasquez. Vasquez is a member of the Army National Guard, "B" Company, 1/200th IN who returned from a deployment in Egypt. General Manager Jimmy Bates, center, signed a Statement of Support. At right is Maj Todd Kontny, NM ESGR.*

## Guardisman Saves a Life

If you're wondering how to describe a New Mexico guardsman then one way might be as a life saver as that is what Jose Fandoa did on his way to a job interview in Las Cruces — Jose saved a life.

Fandoa, a 27-year-old infantryman with the New Mexico National Guard's 1-200th Infantry Battalion based in Las Cruces, is heralded by paramedics and commended by Dona Ana County Sheriff's Department for saving 19-year-old Stephen Calderon's life.

Fandoa was leaving the Southern New Mexico State Fair on Oct. 4, 2012, when he saw Calderon lying near the entrance to the fairgrounds Although it was dark. Fandoa saw Calderon's motorcycle on top of the teen.

Fandoa let instinct and years of first aid training take over, and he tended to what turned out to be very serious injuries. "I've been taking that first aid training for years," said Fandoa, of the Combat Lifesaver Skills he was taught as an infantryman in the National Guard. "I just knew that if I didn't help him, he was going to die right there."

*Lyle Kennedy and Selina Sarmiento from Costco in Albuquerque received Patriot Awards for supporting employee Christopher Romero, a member of the New Mexico Army National Guard, A Company, 1/200th IN BN. Both signed Statements of Support.*



# VOW To Hire Veterans Act of 2011 Expands the Protection of USERRA

By Sharon I. Mitchell

Veterans Employment and Training Service

On November 21, 2011, President Obama signed into law the VOW to Hire Heroes Act of 2011. One of the provisions amends and expands the protection under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

This new provision of the USERRA law may make it easier for employees (including former, part-time, and probationary employees) to sue employers for discrimination related to their military status, according to J. Scott Evans, Ford Harrison law firm, author of an article in Legal Alerts, January 30, 2012, on the provision.

Previously, USERRA provided no clear coverage for claims of harassment and hostile work environment based on military status. Some federal courts were reluctant to address hostile work environment claims under USERRA.

The Supreme Court had not addressed the issue, and only a few circuit courts assumed that a hostile work environment was a legitimate claim under USERRA.

In 2011 the U.S. Court of Appeals for the Fifth Circuit issued a decision in *Carder v. Continental Airlines* which held that USERRA, unlike Title VII, did not provide for a hostile work environment claim because the statute did not include the phrase “the terms, conditions, or privileges of employment” in its definition of benefits of employment.

“Less than nine months later Congress amended USERRA, adding the same language used in Title VII, expressing its disagreement with what the Fifth Circuit did in the *Carder* case,” Evans said.

The new law does not, however, address damages. Successful USERRA plaintiffs may be entitled to lost wages or benefits and liquidated damages equal to lost wages and benefits for willful violations.

Remedies available to successful Title VII plaintiffs may include: injunctive relief; back pay; compensatory damages for future loss, emotional distress, pain and suffering, inconvenience, mental anguish and loss of enjoyment of life; attorneys’ fees and costs; punitive damages where intentional discrimination with malice or reckless indifference is proven; and front pay.

Evans states, with the new USERRA amendment, “*the potential exists for far greater exposure to employers. Employers, as a result, may find it more difficult to obtain dismissal of USERRA claims even where the employee has not suffered a direct monetary loss.*” (emphasis added)

If the company needs more explicit reasons to ensure prompt compliance with USERRA, Evans delineates the following:

1. The USERRA amendment adding hostile work environment as a claim;

2. The Supreme Court decision holding an employer could be liable for a viola-

tion of USERRA even if the person who made the adverse employment decision was not hostile toward the employee’s membership in a uniformed service, but was influenced by previous company action that was the product of such hostility (*Staub v. Proctor Hospital*);

3. The recent draw-down of troops in Iraq and Afghanistan. The Department of Labor has not implemented regulations interpreting the amendments. Courts haven’t addressed it, either. However, as Evans points out, “the expansion of USERRA’s protection to include hostile work environment makes it clear the importance of employer compliance. Employers should consider training all supervisors regarding USERRA compliance.”

All who visit employers should advise them to review and, if necessary, revise their policies and procedures regarding anti-harassment, hostile work environment and equal opportunities to include military and veteran status as a protected class. And, Evans advises, quickly investigate all USERRA workplace complaints.

*After VOW Act of 2011 USERRA Section 4303*

The term “benefit,” “benefit of employment,” or “rights and benefits” means the terms, conditions, or privileges of employment, including any advantage, profit, privilege, gain, status, account, or interest (including wages or salary for work performed) that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select hours of work or location of employment.



Sharon I. Mitchell

# NM ESGR Ombudsman Has Varied Background

Charles W. Clark is now serving as the ombudsman coordinator for New Mexico ESGR. Clark will continue to be Valencia County ESGR Chair, a position he has held since 2008.

Clark is the retired chief of the School Safety and Emergency Preparedness Division for the Long Beach Unified School District in California where he served for ten years.

Immediately prior to that he was a high school teacher. He also spent 25 years teaching in the community college environment.

He served as deputy police chief for the City of Long Beach, California from 1964 to 1989.

Clark's education includes a masters degree in public administration from the University of Southern California and a Bachelor of Science in Criminology from California State University Long Beach.

In preparation for his job as ombudsman he has taken the Introduction Ombudsman Course 2010 and Advanced Ombudsman Course 2012.



*Charles W. Clark*

## USERRA, ESGR and the OMBUD

*Charles W. Clark is now serving as New Mexico ombudsman coordinator. Here he presents some background on ESGR, USERRA, and serving as an ombudsman.*

The Uniformed Services Employment and Reemployment Rights Act (USERRA) was passed in 1994 to protect the rights of service members when involved in employment disputes.

Employer Support of the Guard and Reserves (ESGR) in each state has a group of trained representatives called Ombudsmen (Ombud is the gender neutral term). Ombudsman is a Scandinavian term meaning Representative.

The primary mission of the Ombud is to resolve USERRA issues. What this means is that the Ombud does not represent either the employer, or the Service Member (SM). The Ombud represents the law, USERRA.

The Ombud's task is to assist the employer and the service member in resolving disputes. The Ombud will work as a mediator between the employer and the service member so that both parties comply with USERRA.

An Ombud is under a time constraint to resolve the dispute. In a termination case the Ombud has seven calendar days to finish an assigned case. In the case of a Formal Complaint there is a 14 day resolution requirement.

There will be further information about how USERRA issues are resolved in upcoming issues of this newsletter.

## Bill Grotefend -- New Mexico ESGR Volunteer



it takes many volunteers to make New Mexico ESGR successful. One of those is Bill Gotefend of Bosque Farms, a small community about fifteen minutes south of Albuquerque.

Recently Bill helped the staff reorganize the ESGR storeroom at the National Guard Armory. It was a job that had to be tackled because of damage done when the Armory roof caught on fire last year. ESGR Administrative Support Technician Ernie Rodriquez greatly appreciated the help in putting the storeroom back together.

Bill has helped check people in for events, put up and take down tables and chairs for luncheons, and aided with the Valencia County ESGR Committee. He does what it takes to make the organization succeed.

"I find satisfaction in volunteering," says Bill whose background includes running foundations and an advertising agency in Gallup.

*At left Bill Grotefend holds an Outstanding Performance certificate presented to him by NM ESGR Field Chair Ray Battaglini, right.*

# SW NM ESGR Committee Happenings



*Former State ESGR Chairman and longtime SW NM ESGR Committee member Steve ReVeal with his wife Diane and his recently presented Lifetime Achievement Award.*



*The ESGR crew at the recent out processing at the National Guard Armory in Las Cruces for troops returning from the Sinai. Pictured, left to right, are Len Boulas, Rudy Reyes and Richard Lutz.*



*Len Boulas of the Southwest New Mexico ESGR Committee presents Sergeant Major Karen Martin her Presidential Volunteer Service Award upon her return from the Sinai.*



*JR Turner, Southwest New Mexico ESGR Committee member, mans his agency's table at the Sinai out processing event. Like many volunteers, JR is employed full time. He is the Dona Ana County Veterans Service Officer.*

*The Las Cruces Sun News ran this picture of then Southwest New Mexico ESGR Area Chair Len Boulas as he worked the U.S. Chamber of Commerce's October job fair held in Las Cruces.*



*Len Boulas presents the Presidential Volunteer Service Award to Bill Schatzman, a long time Southwest Committee member. Schatzman has moved to Maryland.*

# SW NM ESGR Committee Happenings



*George Dilworth was a very active member of the Southwest New Mexico ESGR Committee for several years. He moved to Arizona where he died last year. Pictured above is his daughter-in-law Cindy at his services in the Phoenix National Cemetery. She holds the United States flag from his service and an ESGR Award.*

*To the right are Rudy Reyes, Richard Lutz and Len Boulas of the Southwest New Mexico ESGR Committee at the H2H Hiring Fair held in Southwest New Mexico earlier this year. Below is the H2H table with its assorted graphics. H2H stands for Hero to Hired and focuses on finding employment for Guard and Reserve.*



## *Sandia Laboratory Employee Receives Patriot Award*

*Eugene McPeek of Sandia National Laboratory on Kirtland Air Force Base in Albuquerque received a Patriot Award for his support of employee Patricia Salazar who is a member of the New Mexico Army National Guard Medical Detachment. She appreciates his support with her military training and commitments. McPeek also signed a Statement of Support for the Guard and Reserve. Pictured left to right are Maj Todd Kontny of New Mexico ESGR, BGen Judy Griego, Patricia Salazar, Eugene McPeek, and Ernest Rodriguez of New Mexico ESGR.*

*Look Inside To See What These Photos  
Represent for New Mexico ESGR*



**INSIDE THIS ISSUE**  
**NEW EMPLOYEES INCREASE ESGR  
PROGRAM'S EFFECTIVENESS**  
\* \* \* \* \*  
**BOSS LIFT PARTICIPANTS LEARN  
MANY THINGS IN SAN DIEGO**  
\* \* \* \* \*  
**SUPPORTERS ACROSS THE STATE**  
\* \* \* \* \*  
**VOW TO HIRE VETERANS ACT**  
\* \* \* \* \*  
**NEW OMBUDSMAN COORDINATOR**  
\* \* \* \* \*  
**UP, UP, AND AWAY AT BALLOON FIESTA**  
\* \* \* \* \*  
**AND SO MUCH MORE!**



NM ESGR  
c/o Montañita Publishing  
PO Box 1054  
Los Lunas NM 87031