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New Georgia Law Promotes Veterans Employment

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5.5—Other Military Service and Family Obligations

On April 8, 2013, Georgia Governor Nathan Deal signed into law House Bill 188, sponsored by Representative Christian Coomer of Cartersville. This new law creates an expedited process for a recently separated veteran to obtain a Georgia professional license. State officials will now be required to consider the veteran's military experience when considering the grant of certain professional licenses, including electrical contractor class 1, journeyman plumber, conditioned air contractor class 1, and utility foreman.

This new law also contains a provision that will be most helpful to military spouses who have professional licenses in other states and who move to Georgia to accompany a spouse who is on active duty. Under this new law, the spouse will be permitted to practice the profession in Georgia if she has a similar license or certification from another state.

¹I invite the reader's attention to <https://www.roa.org/page/LawCenter>. You will find more than 2000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouse Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997.

²BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 43 years, I have worked with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRA—the 1940 version of the federal reemployment statute) for 36 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. 4301-35). I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at SWright@roa.org.

For example, Mrs. Josephine Smith is married to Captain Joe Smith, USA, who is on active duty and assigned to Fort Wainwright in Alaska. Josephine is a licensed lawyer in Alaska. Joe is transferred to Fort Benning in Georgia, and Josephine accompanies him, so that the marriage can endure. Under this new law, Josephine will be permitted to practice law in Georgia, based on her Alaska law license.

According to the Department of Defense, there are 48,287 voting age military family members (mostly spouses) who are domiciled and eligible to vote in Georgia. Please see Law Review 1142 (May 2011).

Divorce is a huge problem in the military, and it contributes greatly to depression, suicide, and other major problems. We need public policies that will preserve rather than break up military families. The military spouse should not have to choose between practicing her chosen profession (for which she has often invested tens of thousands of dollars and years of her life in education) and remaining married to her chosen spouse. The military marriage likely will not long endure if the wife or husband not on active duty does not accompany the active duty spouse to his or her new duty station. State licensing rules have been a major problem for military spouses ever since they first started working outside the home in large numbers, in the 1960s. This new Georgia law is a good start.

ROA congratulates Representative Christian Coomer of Cartersville for having conceived, drafted, and successfully promoted this important new law. He understands these issues, because he is a judge advocate in the Air Force Reserve. Unfortunately, he is not a member of ROA, but we are working on that.

ROA departments—please work on state issues.

Here at ROA headquarters, we have our hands full with the United States Congress and Executive Branch. We do not have the staff or resources to monitor (much less to affect) what is going on in 50 state capitals. Most of the laws that directly affect the uniformed services are federal laws, but there are certainly important issues addressed in the state legislatures that affect the rights and interests of those who serve our country in uniform. I invite the reader's attention to Law Review 16 (September 2000), titled "Department Involvement in State Issues."

We need ROA's state departments and local chapters to contact state legislators and urge them to keep in mind the interests of those who serve our country in uniform, whether Active, National Guard, or Reserve. If you have time to get involved in this effort, please call me at 800-809-9448, extension 730, or e-mail me at SWright@roa.org.

It has now been 40 years since Congress abolished the draft in 1973. With each passing year, a greater and greater percentage of state legislators (as well as members of the United States Senate and House of Representatives) have never served in the uniformed services. We need to educate these folks about the issues that affect those who serve in uniform.