

LAW REVIEW 16044¹

May 2016

The Definitive Reference Book on USERRA

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

Update on Sam Wright

1.0—USERRA generally

The USERRA Manual: Uniformed Services Employment and Reemployment Rights, by Kathryn Piscitelli and Edward Still, published by Thomson Reuters. For customer assistance, call 800-328-4880.

This is the definitive reference book on the Uniformed Services Employment and Reemployment Rights Act (USERRA). The authors are Kathryn Piscitelli and Edward Still, two distinguished attorneys with considerable experience representing service members and veterans in employment cases.

The 2016 edition was published last month, and this is the ninth annual edition—the book was first published in 2008. The book is updated annually with a replacement volume, rather than a “pocket part” supplement. While somewhat wasteful of paper, this practice makes the book much easier to use. Each year, the book gets thicker. The 2016 edition has 1583 pages, plus

¹ I invite the reader’s attention to www.servicemembers-lawcenter.org. You will find more than 1500 “Law Review” articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other laws that are especially pertinent to those who serve our country in uniform, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. The Reserve Officers Association (ROA) initiated this column in 1997. I am the author of more than 1300 of the articles.

² BA 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 have been dealing with USERRA and the predecessor reemployment statute for 34 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(Susan M. Webman), I largely drafted the proposed rewrite of the Veterans’ Reemployment Rights Act (VRRA), which was originally enacted in 1940. In February 1991, President George H.W. Bush presented the Webman-Wright draft to Congress as his proposal. On 10/13/1994, President Bill Clinton signed into law Public Law 103-353 (USERRA), and that version was 85% the same as the Webman-Wright draft. I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), and as an attorney in private practice, at Tully Rinckey PLLC. For six years (2009-15), I was the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA. Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. After ROA disestablished the SMLC last year, I returned to Tully Rinckey PLLC, this time in an “of counsel” role. To arrange a consultation with me or another Tully Rinckey PLLC attorney, please call Ms. JoAnne Perniciaro (the firm’s Client Relations Director) at (518) 640-3538. Please mention Captain Wright when you call.

another 56 pages of indexes, tables, etc. The 2015 edition has 1555 pages plus another 52 pages of indexes, tables, etc.

The book includes a detailed and well-conceived Table of Contents, facilitating the finding of discussion and authority on very specific legal topics. The most helpful Appendices include the text and legislative history of USERRA, the USERRA regulations adopted by the Department of Labor, the text of related federal and state laws and regulations, etc.

This is a reference book for lawyers. A person without legal training would probably not find this book particularly useful.