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The Definitive Reference on USERRA—2017 Edition

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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 Publishing Co. For ordering information go to <http://tmsnrt.rs/2qBFUPp> or 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 decades of experience representing service members and veterans in employment litigation.

The 2017 edition was published recently, and this is the tenth 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

¹ I invite the reader’s attention to www.roa.org/lawcenter. You will find more than 1500 “Law Review” articles about military voting rights, reemployment rights, and other military-legal topics, along with a detailed Subject Index, 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 am a life member of ROA. I have 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 35 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 or by telephone at 800-809-9448, ext. 730. I will provide up to one hour of information without charge. If you need more than that, I will charge a very reasonable hourly rate. If you need a lawyer, I can suggest several well-qualified USERRA lawyers.

much easier to use. Each year, the book gets thicker. The 2017 edition has 1677 pages, 38 more than the 2016 edition.

The book includes a detailed and well-conceived Table of Contents, facilitating finding discussion and authority on very specific legal topics. The most helpful Appendices include the text and legislative history of USERRA (enacted in 1994) and each major USERRA amendment, the USERRA Regulations promulgated by the Department of Labor, and the text of related federal and state laws and regulations, etc. Perhaps most helpful to lawyers are Appendices D-H, which provide sample pleadings, motions, discovery, voir dire questions, jury instructions, verdict forms, and post-trial motions.

This is a reference book for lawyers. Human relations professionals will also find it most useful. The individual veteran or service member may not find it helpful unless he or she has some legal training and a lot of time and patience.