

Law Review 14001

More Than 1000 Articles about USERRA and other Laws that Are Especially Pertinent to Reserve Component Members

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1.3.1.1—Left job for service and gave prior notice

In January of this year, we exceeded 1000 “Law Review” articles on our website, www.roa.org. We also have a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. We add new articles each week, including more than 170 added in 2013. I initiated this column in 1997.

More than 800 of the 1000-plus articles are about the Uniformed Services Employment and Reemployment Rights Act (USERRA), a law that I had a hand in drafting during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Congress enacted USERRA in 1994 as a long-overdue rewrite of the Veterans’ Reemployment Rights Act (VRRRA), which was originally enacted in 1940, as part of the Selective Training and Service Act (STSA). The STSA is the law that led to the drafting of millions of young men (including my late father) for World War II.

I have been dealing with the VRRRA and USERRA since 1982, when I left active duty and went to work for DOL as an attorney. I have also dealt with these laws 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.

In June 2009, I retired from private practice and joined ROA’s full-time staff as the first SMLC Director. In that capacity, I receive and respond to about 800 inquiries per month, by e-mail and telephone, from service members, military family members, attorneys, employers, ESGR volunteers, DOL investigators, congressional staffers, reporters, and others. I am available at 800-809-9448, ext. 730, or by e-mail at SWright@roa.org.

I am here at ROA headquarters responding to telephone calls and e-mails during regular business hours Monday-Friday and until 10 pm Eastern on Mondays and Thursdays. The purpose of the evening availability is to enable Reserve Component (RC) personnel to call me from the privacy of their own homes, not from their civilian jobs. If you are complaining about your civilian employer and seeking advice and assistance in dealing with the employer, it is *essential* that you *not* use the employer’s telephone or computer or employer-paid time.

You have no justifiable expectation of privacy when you use the employer’s equipment and time. Moreover, if the employer is annoyed with you because you have been called to the

colors five times since September 2001, and if the employer is looking for an excuse to fire you, the last thing that you should do is to give the employer the excuse that he or she is seeking. I think that it is so important that you *not* call from work that I am giving up two evenings per week to take your calls during your non-work hours.

Through the SMLC, we are making ROA relevant and useful to today's serving RC members, and thus we are hearing from them and have the opportunity to recruit them to join ROA. If ROA is to survive and thrive in the next generation, we must recruit a new generation of members and leaders and then pass the torch to them. Please remember that "time like an ever rolling stream bears all its sons away."