

## LAW REVIEW<sup>1</sup> 26027

June 2026

### A USERRA Lawsuit against the City and County of San Francisco Is Settled Favorably. By Captain Samuel F. Wright, JAGC, USN (Ret.)<sup>2</sup>

#### 1.4—USERRA enforcement.

In 2020, Captain Beverly L. Sweeney, USA (Ret.), a life member of the Reserve Organization of America (ROA), and Master Sergeant Devon Anderson, USAR initiated a lawsuit against their employer, the City and County of San Francisco (CCSF). They claimed that CCSF had violated

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<sup>1</sup> I invite the reader's attention to [www.roa.org/lawcenter](http://www.roa.org/lawcenter). You will find more than 2,300 "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 Spouses' 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. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

<sup>2</sup> 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. For 45 years, I have collaborated 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 (VRRRA—the 1940 version of the Federal reemployment statute) for 38 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 drafted the proposed VRRRA 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 VRRRA 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. As of 5/1/2026, I have come out of retirement and have affiliated with Maher Legal Services in an "of counsel" role. You can reach me by e-mail at [samuel@maherlegalservices.com](mailto:samuel@maherlegalservices.com) or by telephone at (708)m468-8155.

their rights under the Uniformed Services Employment and Reemployment Right Act (USERRA). Because they believed and claimed that the USERRA rights of hundreds of other present and former CCSF employees had suffered from similar USERRA violations, they applied for and received class action certification.<sup>3</sup>

On 10/28/2025, the plaintiffs and the defendant (CCSF) announced that they had reached a settlement of this case and issued the following press release:

**FOR IMMEDIATE RELEASE: October 28 2025 Contact: [outtengolden@berlinrosen.com](mailto:outtengolden@berlinrosen.com) Contact: [jen.kwart@sfcityatty.org](mailto:jen.kwart@sfcityatty.org)**  
**Veterans Reach Class Action Settlement With the City and County of San Francisco SAN FRANCISCO, CA – Two U.S. military veterans who served as City employees (Devon Anderson and Beverly L. Sweeney) have reached a landmark class action settlement with the City and County of San Francisco, resolving a lawsuit that alleged the City violated federal and state laws protecting the rights of service members. The Court has preliminarily approved the settlement and certified this lawsuit on behalf of a class of all current and former City employees who took leave of absence from their jobs to serve in the military from October 2004 to June 18, 2025. The lawsuit, which was filed in 2020, alleged that the City’s employment policies and practices violated the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. The lawsuit alleges that the City (1)**

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<sup>3</sup> See *Law Review* 25048 (December 2025) for a description of how a class action lawsuit works.

improperly required employees to obtain approval to take military leave; (2) failed to provide accrued sick leave and paid time off for military leave; (3) failed to pay for travel time to and from military leave; (4) failed to provide proper pension credit for military leave; (5) charged servicemembers interest on purchasing pension credit; (6) failed to promptly reemploy servicemembers; (7) failed to reemploy them in the proper positions; (8) failed to provide proper pension credit and (9) failed to provide pay for military leave as required by state law or City ordinance. The City does not admit wrongdoing or liability by entering into the settlement agreement.

Under the settlement agreement, the City has agreed to change its policies governing military leave, pension contributions, and reemployment procedures, and to provide full monetary and benefit relief for class members. This includes 100% of the wages, benefits, and pension credits that the plaintiffs allege were unlawfully denied to them. The settlement also establishes a neutral claims process administered by an independent adjudicator to ensure that eligible employees can resolve disputes or submit additional claims at no cost to them. Class Members who received notice and individual accounting form have until December 8, 2025, to submit any challenges. Class members who were not sent a notice can submit information establishing that they are members of the Class but must do so by February 19, 2026. The court held a hearing on whether to approve the settlement on December 11, 2025. If the settlement is approved, San Francisco will implement the new policies across all City departments and provide payment to eligible class members. Information about the settlement is available at <https://sfuserrasettlement.com/>

**“When I joined the Army Reserves, I never imagined that serving my country would mean fighting for my rights at home,” said Devon Anderson, a current City employee and Army Reserve Master Sergeant. “This case was about fairness and ensuring that no service member has to choose between serving their country or making a living. “I devoted my career to both the military and the people of San Francisco,” said Beverly L. Sweeney, a retired Army Captain and former nurse with the Department of Public Health. “This settlement means that those who serve our nation and our city will finally be treated with the dignity and equality they deserve.”**

**“The settlement ensures that the City of San Francisco’s service member employees will finally receive the pay, benefits, and respect that the law has guaranteed them all along,” said Michael Scimone, a partner at Outten & Golden and co-lead counsel for the class. “The agreement provides full compensation for affected employees and establishes lasting structural reforms to protect service members’ rights going forward.”**

**“Our clients’ persistence has resulted in one of the most comprehensive public-sector settlements ever reached under USERRA,” said R. Joseph Barton, a partner at The Barton Firm and co-lead counsel for the class. “This outcome brings the City’s policies into compliance with federal and state law and ensures service members will be treated fairly in the future.”**

**“The City and County of San Francisco strive to support our military veterans and honor their service to our country,” said San Francisco City Attorney David Chiu. “We are pleased that we could come to a**

mutual resolution that will improve our city's processes for years to come."

**### About Outten & Golden LLP** Outten & Golden LLP is one of the largest U.S. law firms dedicated to representing employees. With offices in New York City, Washington D.C. and San Francisco, the firm has taken on many of the country's largest and most powerful employers, forging landmark settlements and historic verdicts that contribute to a more equitable workplace. As a mission-driven firm, O&G uses litigation and other means to expand the rights of all employees to fair wages and working conditions, and a workplace free of discrimination, harassment, and retaliation. Learn more at [www.outtengolden.com](http://www.outtengolden.com).

**About The Barton Firm LLP.** The Barton Firm, located in Washington D.C., represents employees in employment and employee benefits litigation nationwide. Joseph Barton, the Firm's founder, has 24 years of experience representing employees in litigation. He has represented veterans and servicemembers in large-scale class action and individual cases for more than a dozen years. He has been lead or co-lead trial counsel in three certified class actions as well as trials on behalf of individuals. He and his firm are dedicated to protecting and advocating for the rights of employees. Learn more at [www.thebartonfirm.com](http://www.thebartonfirm.com).

*If you are a member of this class, you need to contact the independent adjudicator as soon as possible to get your share of this settlement.*

**Q:** I have been employed by the City and County of San Francisco for three years, until late September 2025, when I left my job for a one-

**year voluntary recall to active duty in the Coast Guard Reserve. I am on active duty now, and I expect to leave active duty on 9/30/2026, at the end of my current Coast Guard orders. Am I part of this class action settlement?**

**A:** No, you are not part of this class action settlement because the class consists of CCSF employees or former employees who took military leave between October 2004 and June 18, 2025; however, as part of this settlement, CCSF has agreed to change its policies and to comply with USERRA going forward. I hope and expect that CCSF will reemploy you cheerfully and not try to get out of its legal responsibilities under USERRA.

Bravo Zulu to attorneys R. Joseph Barton and Michael Scimone for their excellent work on behalf of the employees of the City and County of San Francisco who left their civilian jobs over the past 21 years when they were called to the colors, voluntarily or involuntarily.

### **Join the Organization That Fights for You**

This article is one of more than 2,000 "Law Review" articles available at <https://roa.org/lawcenter/> — a free legal resource that the Reserve Organization of America (ROA) has built and maintained since 1997, adding new articles every month.

ROA is the only national military organization dedicated exclusively to America's reserve components — all eight of them. From the 6,179 members of the Coast Guard Reserve to the 329,705 soldiers of the Army National Guard, ROA exists to serve the nearly 773,000 men and



women who answer the call while maintaining civilian lives. No other organization does what we do for the people we serve.

Our roots run deep. On October 2, 1922, veterans of the Great War gathered at Washington's historic Willard Hotel — at the invitation of General of the Armies John J. Pershing — to build something lasting. One of the junior officers in that room was Captain Harry S. Truman, who, as President, signed ROA's congressional charter in 1950. That charter gives us a clear mission: advocate for policies that ensure adequate national security. For more than a century, we've made the case that America's Reserve Components and National Guard are among the most cost-effective pillars of our national defense.

Beyond this library of legal resources, ROA files *amicus curiae* ("friend of the court") briefs in the Supreme Court and other courts, and actively educates service members, military spouses, attorneys, employers, legislators, and others about the legal rights of those who serve — and how to enforce them. We provide this information to all service members, regardless of membership. But it's ROA members — through their dues and contributions — who make it possible.

### **Your membership makes the mission possible.**

If you are currently serving, or have ever served, in any of America's eight uniformed services, you are eligible to join ROA — and membership starts at just \$20 for a full year, or \$450 for life. Officers and enlisted personnel alike qualify, whether your service was in the Active Component, the National Guard, or the Reserve. ROA has also recently expanded eligibility to include ancestors and lineal



descendants of past or present service members, so families can stand with those who serve. Join online at <https://roa.org> or call 800-809-9448.

If you are not eligible for membership but believe in this mission, your financial contribution directly funds this resource and the advocacy work that protects those who serve. Donations may be mailed to:

Reserve Organization of America  
1 Constitution Ave. NE  
Washington, DC 20002