

## SB 289: State USERRA Forum

Last week, SB 289 amended several sections of Revised Code. Please note that these changes do not create any new or different rights to reinstatement or reemployment for an employee covered by USERRA. Those rights and the accompanying employer obligations remain the same. All that is being added is a new forum in which the employee can seek redress of a USERRA violation and some specific state controls over the proceeding and penalties.

Specifically, the bill:

- 1) Allows an employee who has been denied reinstatement or reemployment under the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) to maintain a cause of action in a state court and to maintain the same remedies as if the action had been brought in federal court.
- 2) Requires the clerk of court to give these types of actions priority on the court's dockets.
- 3) Prohibits the court from requiring a plaintiff to pay court costs.

A copy of the bill is available online at

[http://www.legislature.state.oh.us/bills.cfm?ID=127\\_SB\\_289](http://www.legislature.state.oh.us/bills.cfm?ID=127_SB_289). General information about USERRA can be found on the Policy Development website at

<http://www.das.ohio.gov/hrd/militaryleave/index.htm>. If you have any additional questions regarding these changes or other USERRA matters, please contact the Policy Development Office at (614) 752-5393.