

INTRODUCTION

The *USERRA Manual: Uniformed Services Employment & Reemployment Rights* is designed to be a comprehensive resource on USERRA. In addition to a treatise providing current coverage on all aspects of USERRA, this edition includes the full text of USERRA and related regulations, the Act’s legislative history, practice materials such as sample pleadings and jury instructions, and citations to state laws similar to USERRA.

The 2025 edition of *The USERRA Manual* reflects numerous USERRA court decisions issued over the past year and the latest amendments to USERRA. We expanded and deepened our analysis of the statute, the regulations, and the decisions under them.

What’s new in the 2025 edition:

- Multiple 2025 amendments to USERRA. § 1:3 and the sections topically noted below.
- Explanation and analysis added regarding USERRA’s new liquidated damages provision. §§ 3:6, 7:16, 8:11, 8:16.
- Discussion added regarding a 2025 amendment eliminating “noncareer” language from USERRA’s statement of the Act’s purposes. §§ 1:1, 4:22, 7:1.
- Revised explanation and analysis regarding types of employer acts within the scope of USERRA’s prohibition of retaliation—including discussion of a 2025 amendment to USERRA’s antiretaliation provision, as well as potential influence of the Supreme Court’s 2024 decision in *Muldrow v. City of St. Louis, Missouri*. §§ 7:3, 7:8.
- Revision of material on equitable relief in USERRA litigation—including discussion of a 2025 amendment establishing requirements for awards of preliminary injunctions. § 8:8.
- Discussion added regarding a 2025 amendment establishing that prejudgment interest on awards of lost wages and benefits be computed at the rate of 3 percent per year. § 8:9.
- Discussion added regarding 2025 amendments requiring awards of attorney fees to successful USERRA plaintiffs—including in lawsuits against states, local governments, and private employers; MSPB actions against federal agencies; and Federal Circuit proceedings reviewing MSPB decisions. §§ 8:12, 9:8; 9:9.
- Further treatment of the effect of settlements and release agreements on claims under USERRA—including discussion of *Peace v. Panorama Orthopedics & Spine Ctr., Inc.* (merger agreement as waiver of USERRA claims). § 1:7.

- New material on determination of “employee” status of partners under USERRA. § 2:12.
- Updated treatment of Department of Defense instructions to military departments regarding USERRA. §§ 4:7, 4:8, 4:9, 4:11, 4:18, 4:20.
- Additional materials in the Appendices—including updated text of USERRA to incorporate the 2025 amendments; the latest Department of Labor Report to Congress on USERRA; additional citations to state statutes; the latest Department of Defense instruction on USERRA; amended MSPB procedures. Appendix A; Appendix G; Appendix Q; Appendix R.

Thank you for subscribing to *The USERRA Manual*. We work diligently each year to make the publication the most important resource available on USERRA, and we hope you will find it as invaluable for your practice as we do for ours. As of this writing, a number of federal courts have cited *The USERRA Manual* as authority on the topic, including in 13 district court decisions and two circuit court decisions. For instance, in *Bradberry v. Jefferson County, Tex.*, the Fifth Circuit described *The USERRA Manual* as having “usefully drawn from the statutory language and caselaw how an employer’s actions involving an employee returning from military service can occasionally implicate both [anti-discrimination and reemployment rights] parts of the Act,” and proceeded to quote the treatise’s analysis.¹

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¹ *Bradberry v. Jefferson County, Tex.*, 732 F.3d 540, 547, 197 L.R.R.M. (BNA) 2297, 97 Empl. Prac. Dec. (CCH) P 44934, 163 Lab. Cas. (CCH) P 10647 (5th Cir. 2013).