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NEWS RELEASE

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Justice Department Files Lawsuit in Idaho Against Jerome County Sheriff's Office to Enforce the Employment Rights of Army National Guard Member

WASHINGTON — The United States Justice Department and U.S. Attorney Wendy J. Olson announced today the filing of a complaint alleging that Jerome County Sheriff's Office willfully violated the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) by failing to reemploy and terminating Idaho Army National Guard Member Mervin Jones while he was recuperating from a knee injury that he sustained while performing military service. The suit was filed in federal district court in Idaho.

Subject to certain limitations, USERRA requires that service members who leave their civilian jobs to serve in the military be reemployed promptly by their civilian employers in the positions they would have held if their employment had not been interrupted by military service or in positions of comparable seniority, pay, and status. In addition, USERRA requires employers to accommodate service members who are injured in the line of duty, and allows service members who are recuperating from such an injury up to two years to obtain reemployment without facing termination by their civilian employers.

The complaint states that Jones began working for Jerome County Sheriff's Office as a correctional deputy in 2002. By 2007, he had been promoted through the ranks to Corporal. During his employment with the Sheriff's Office, Jones was also a member of the Idaho Army National Guard. He suffered a knee injury while deployed to Iraq in 2004, which Jones later aggravated in 2008 during a weekend training event with his Guard unit. The complaint alleges

that in 2009, while Jones was still recuperating from multiple knee surgeries, the Sheriff's Office forced him to complete Family Medical Leave Act (FMLA) paperwork even though his leave was protected under USERRA, denied him light duty work to accommodate his physical limitations caused by the knee injury, attempted to subject him to an unlawful "fitness for duty" evaluation and physical fitness test before allowing him to return to work, and terminating his employment during the period of time permitted by USERRA to recover from an injury incurred in the line of duty.

"When Congress enacted USERRA, it was to protect our men and women in uniform from experiencing exactly this kind of injustice," said Thomas E. Perez, Assistant Attorney General for the Department of Justice's Civil Rights Division. "The Justice Department is committed to vigorously enforcing federal laws that protect the employment rights of our service members."

"Members of the Army National Guard sacrifice time away from their jobs to serve their country," said Olson. "USERRA ensures that they are not discriminated against after they have returned and their employment rights are protected. We are committed to vigorously enforcing USERRA's protections."

Additional information about USERRA can be found on the Justice Department website: www.servicemembers.gov and www.usdoj.gov/crt/emp, as well as on the Labor Department's website at www.dol.gov/vets/programs/userra/main.htm.

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