



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Service Member Employment Protection Act advances

CAOC-backed AB 2879 would shield military reservists from unfair forced arbitration hearings if they lose a civilian job after being called to duty

SACRAMENTO (April 19, 2016) – The Assembly Judiciary Committee today approved a Consumer Attorneys of California-backed bill strengthening protections for military reservists facing forced arbitration after civilian employers have illegally fired them from stateside jobs when they're called to duty on behalf of our nation.

The committee voted 6-3 to approve AB 2879, the Service Member Employment Protection Act by Assemblyman Mark Stone (D-Scotts Valley). The measure is part of a package of five bills in the California Legislature fighting the use of forced arbitration to undercut the constitutional rights of Americans seeking to address disputes in a court of law.

All those arbitration bills have been placed on CalChamber's "Job Killers" list, a designation Stone called "astonishing" given that AB 2879 seeks to protect the jobs of military veterans and reservists who leave their homes, families and jobs to defend the nation.

"I think this is a group of individuals we need to protect – we have an obligation to protect," Stone said, noting that the nature of arbitration hearings – held behind closed doors and overseen by arbitrators potentially beholden to corporate defendants who routinely hire them – can involve misapplication of the law unlikely in the public setting of a traditional court overseen by a judge.

Under government legal codes, military reservists cannot be fired from civilian jobs when called away to duty. But that rule doesn't keep it from occurring – and then being upheld in a private arbitration hearings that can resemble a kangaroo court.

Just such an injustice occurred to Army Maj. Steven Lively, a service member illegally fired after leaving for National Guard duty. When he sought to fight back in a court of law, Lively faced a forced arbitration proceeding. The arbitrator misapplied the law and ruled against Lively.

"We were devastated by the outcome," his wife, Darcie, told the Assembly panel, concluding that forced arbitration "is like playing a football game only to find out the opposing team has paid for the refs."

AB 2879 now moves to the Assembly Labor & Industrial Relations Committee to be heard.

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

For more information:

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