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## **Tully Rinckey PLLC Sr. Associate Michael Macomber Talks with TWC about USERRA Victory**

### **Jury Decides City and Jamestown PD Partially Discriminated Against Former Detective**

**By, Mark Goshgarian**

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**&nbsp;MAYVILLE, N.Y. -- Jurors took two hours Thursday to decide the City of Jamestown and its police department partially discriminated against former Jamestown Police Department Detective Timothy Wright. The verdict capped two days of testimony inside County Supreme Court. "I am pleased with the jury's verdict," Wright said. Wright filed suit against the city, claiming the police department didn't promote him in 2003 and illegally pro-rated his vacation and comp time because he was working as an Army reservist. "I'm extremely relieved, not only for me, but for my family and it's a lot of stress on top of the job as being a police officer and a member of the Guard and the Reserve," said Wright. The jury found the city didn't discriminate against Wright regarding the promotion and comp-time benefit, but jurors found Wright was entitled to his full vacation time benefit while he was overseas. "That is where the disappointment comes in. I don't believe the city discriminated against him in any way shape or form," said Marilyn Fiore-Lehman, City of Jamestown Corporation Counsel. City attorney Fiore-Lehman said under the collective bargaining agreement, an officer's vacation time is based on months of continuous service in a prior year. "I believe that the proration of his vacation was done in accordance with policies, practices and procedures that have been applied to all of the members of the Jamestown Police Department," said Fiore-Lehman. Wright's attorney, Michael Macomber, said the verdict upholds the Uniform Services Employment and Re-employment Rights Act of 1994, which prohibits discrimination based on military**

service." I think that it's important for our reservists to know, not to mention the employers, that they cannot discriminate against those people who leave their civilian lives to go serve our country," said Macomber, Tully Rinckey senior associate. Wright said seven years of litigation and two decades of discrimination have been difficult. "In order for me to go away to fight a war over in Afghanistan or Iraq or other places and to have to be forced to come back to my civilian employment and be faced with another battle, it's not a walk in the park," Wright said. Both sides will now sit down to determine a settlement.