

Former Reservist Wins \$1 Million From Employer

In a case centering on a little-frequented corner of the employment rights of troops returning to civilian life, a federal judge has ruled that Wells Fargo must reinstate a former reservist to his job as a financial adviser and pay him at least \$1 million.

The ruling is important, employment rights lawyers said, in its affirming that commission-based employees who return to their jobs after service must be compensated on the basis of what they were earning when they left, even if that requires the employer initially to pay a salary instead of commissions.

The award, issued Thursday by Judge Janet Bond Arterton of the Federal District Court in New Haven, is the largest ever decreed in that narrow sector of law, said Samuel F. Wright, a lawyer specializing in the employment rights of returning troops.

The case involved Michael Serricchio, now 35, who had worked as a financial adviser in Stamford, Conn., before spending more than two years on active duty with the Air Force Reserve beginning in September 2001.

By the time Mr. Serricchio returned, his employer, the securities division of Prudential Financial, had merged into Wachovia Securities, now a part of Wells Fargo. His clients had dispersed, and Wachovia offered him a job paying only a \$2,000-a-month advance on his commissions, far short of the \$80,000 a year he had been earning when he left. Mr. Serricchio declined the offer.

A jury decided last June that Wachovia had violated his rights under the Uniformed Services Employment and Re-employment Rights Act, which requires employers to provide workers returning from service a salary, status and seniority similar to what they had before leaving. It was left to Judge Arterton to decide damages.

She did so on Thursday, affirming the jury's verdict and awarding Mr. Serricchio about \$400,000 in back pay and interest, \$390,000 in punitive damages, and reimbursement for his legal fees, which are likely to top \$500,000. His new salary will be \$144,000 for one year, the court ordered, after which he will be back to working on commission.