



NEW JERSEY FINDS FEDERAL PACIFIC (FPE) GUILTY OF CONSUMER FRAUD

Daniel Friedman, ASHI Ret., reports that a court ruling regarding a New Jersey class action lawsuit has found Federal Pacific Electric Company (FPE) guilty of violating the New Jersey Consumer Fraud Act by cheating during its testing of circuit breakers in order to obtain Underwriters Laboratories (UL) approval.

The statement appears in a Class Action Notice, Attention New Jersey Homeowners With Federal Pacific Electric Circuit Breakers, posted by the Superior Court of New Jersey, Law Division: Middlesex County.

A few New Jersey homeowners may collect up to triple damages under this action if they can prove that they are the original owners of FPE Stab-Lok equipment in their homes, and if they file claims before April 20, 2005! See <http://www.yacoutclassaction.com> to begin a claim. While the class action ruling and agreement among the parties narrow the group of entitled homeowners so much as to be of only limited value, there is a more significant effect of the court ruling for ASHI home inspectors who now have a public document which supports them in reporting this latent safety hazard to their clients. See www.inspect-ny.com/fpe/FPEnotice12-05.htm.

For detailed information about FPE electrical hazards, how to recognize FPE Stab-Lok equipment, and what to do about it, see www.inspect-ny.com/fpe/fpepanel.htm

RETURNING TROOPS ENTITLED TO CIVILIAN JOBS

Within one year of the President's declaration of a national emergency following the attacks of September 11, 2001, more than 90,000 members of the National Guard and Reserve were called up. Continued call-ups and returning troops have employers nationwide scurrying to familiarize themselves with the Uniformed Services Employment and Reemployment Rights Act

(USERRA), which seeks to limit the disadvantages of serving for these men and women as they move between the military and civilian jobs.

Enacted in 1994, significantly updated in 1996 and 1998, and recently amended in 2004, USERRA is intended to encourage non-career military service. The Pentagon benefits from being able to call up and return to the private sector trained men and women as needed. It is also in the best interest of the government for the non-career troops to make a smooth transition back to civilian employment without suffering any disadvantage for having served.

Although men and women who serve have some responsibility for protecting their reemployment and benefit rights, such as giving their employer advance notice (if possible), the burden of complying with USERRA falls on employers.

The law applies to voluntary as well as involuntary service, in peacetime as well as wartime, and it applies to virtually all civilian employers, including the Federal Government, State and local governments, and private employers, regardless of size.

Under USERRA, if a military member leaves his or her civilian job for service in the uniformed services, the member is entitled to return to the job, with accrued seniority, provided he or she meets the law's eligibility criteria.

The conditions of his or her return differ based on the length of military service, which can be up to five years. There are provisions for employees who suffered disabling injuries while serving, and for employers when circumstances have changed to the extent that reemployment of a returning military member is impossible or unreasonable.

WELCOME HOME

ASHI Member William (Bill) Heyse, P.E., August Engineering / LDC Inspection Services, Valley Park, Mo., recently returned from Iraq and shared some insights from an inspector's perspective.

Photos

Top: Heyse in front of abandoned Iraqi fighter left over from the first war, on the Army-Air Force Base in Iraq (40-50 miles north of Baghdad), where he worked. He said, "We were still cleaning up at the time."

Bottom: Heyse in front of a map of old Babylon with four members of his unit (Facility Engineer Team 15). He said, "I'm the one on the left. We were inspecting the old construction techniques which, in some cases, were better engineered and built than present Iraqi construction."

