

CLIENT ALERT: Massachusetts Law Grants Additional Job Rights to Veterans - By Nathan Kaitz

As Veterans Day (November 11) approaches, it is a good time to ensure you are aware of statutory changes in Massachusetts that impact that holiday (as well as Memorial Day) and make other important changes affecting the job rights of veterans.

Legislation signed into law by Governor Baker this summer grants veterans (and members of a department of war veterans) the right to a leave of absence to participate in a Veterans Day or Memorial Day exercise, parade, or service. The leave of absence shall be for a sufficient time to enable the employee to participate in such service in their community of residence.

For employers with 50 or more employees, the leave of absence for Veterans Day must be paid provided the employee provides reasonable notice for such leave. Employers with less than 50 employees are not required to pay employees for time away on Veterans Day, but are permitted to do so. Leave still must be provided for Memorial Day as well, but the law does not require pay for that day.

The legislation also added an applicant or employee's "status as a veteran" to the list of protected categories covered under the Massachusetts anti-discrimination statute, M.G.L. c.151B. While the federal Uniformed Service Employment and Reemployment Rights Act ("USERRA") already granted certain employment rights to veterans, they will now be able to bring discrimination/retaliation claims under state law as well.

Finally, M.G.L. c.33, Section 59(d) has been amended so that public employers may be required to pay employees in a reserve component of the armed forces who are ordered to service for more than 30 consecutive days. The provision only covers employees of the Commonwealth of Massachusetts and employees of a county, city, or town who have voted to accept this section or similar provisions of an earlier law. The public employee's regular base salary can be reduced by any amount received as base pay for the military service.

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