

One Minute Memo®



Massachusetts Governor Signs Act Granting Paid Leave to Veterans Participating in Veterans Day Activities and Adds “Veteran Status” As a Protected Class

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Seyfarth Synopsis: In July 2016, Governor Charlie Baker signed into law An Act Relative to Housing, Operations, Military Service, and Enrichment (“The HOME Act”). The HOME Act requires employers to provide paid leave to veterans participating in Veterans Day activities. It also prohibits employers from discriminating against individuals based on their veteran status.

On July 14, 2016, Governor Baker signed into law An Act Relative to Housing, Operations, Military Service, and Enrichment, known as “The HOME Act.” Among other things, the HOME Act requires employers to provide paid leave to qualified veterans on Veterans Day under certain conditions. The HOME Act also adds “veteran status” as a protected class under the Massachusetts Fair Employment Practices Act.

Paid Leave for Participation in Veterans Day Activities

Before the enactment of the HOME Act, Massachusetts law required employers to grant a paid or unpaid leave of absence to qualifying veterans who wished to participate in a Veterans Day or Memorial Day exercise, parade, or service. M.G.L. 149 § 52A 1/2. The HOME Act amends the law to require employers with 50 or more employees to grant said leave of absence on Veterans Day with pay, provided that the employee provides “reasonable notice” for such leave. As written, the HOME Act does *not* require employers to grant paid leave on Memorial Day.

Who qualifies as a veteran?

A veteran is any person with an honorable discharge who served in any branch of the U.S. military or who served full time in the National Guard under certain conditions. Any person who served in wartime and was awarded a service-connected disability or Purple Heart is also a qualifying veteran.

Veteran is a Protected Class

The HOME Act amends the Massachusetts Fair Employment Practices Act by adding “veteran status” as a protected category. Previously, active military personnel were protected by the Fair Employment Practices Act, but veterans were not. M.G.L. 151 §4. Employers must now treat “veteran status” as a protected class, much like race, ancestry, color, religion, etc.

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