

## State Military Family Leave Laws

**Editor's note:** On January 28, 2008, the President signed into law the National Defense Authorization Act (H.R. 4986). The act provides additional FMLA leave for military families. Specifically, Section 585 of the bill adds two new FMLA-qualifying events, expanding FMLA to include employees caring for an injured service member as well as family members who have a family member called to active duty. Most of the provisions of the FMLA remain unchanged and will apply to these new types of FMLA leave, including employer coverage, employee eligibility requirements, health insurance continuation, and reinstatement rights. While the Department of Labor (DOL) will need to issue regulations to fully implement this new law, they have released guidance that indicates the caregiver provision of the law is effective as of January 28, 2008, but the call to active duty provision will not be effective until the Secretary of Labor issues final regulations defining “any qualifying exigency.” In the interim, the DOL encourages employers to provide this type of leave to qualifying employees.

To check whether there is pending legislative issues or recently enacted legislative changes for your state(s) please [click here](#).

To access additional SHRM State Law & Regulation Resources [click here](#).

**If a state does not appear on the following chart it is due to our not finding any evidence a statute exists for that state.**

**Note:** Employers who operate in a state(s) containing no provisions regarding FMLA or other type of leave and who have 50 or more employees must abide by the federal [Family Medical Leave Act](#). Additionally, employers covered by both state and federal FMLA law, must follow the regulation which provides the most generous benefit to eligible employee's.

Click the letter corresponding to the state name below.

<b>California</b>	<b>395.10.</b> (a) Notwithstanding any other provision of law, a qualified employer shall allow a qualified employee to take up to 10 days of unpaid leave during a qualified leave period. (b) For purposes of this section: (1) “Period of military conflict” means either of the following: (A) A period of war declared by the United States Congress. (B) A period of deployment for which a member of a reserve component is ordered to active duty pursuant to either of the following: (i) Sections 12301 and 12302 of Title 10 of the United States Code. (ii) Title 32 of the United States Code. (2) “Qualified employee” means a person who satisfies all of the following: (A) Is the spouse of a qualified member. (B) Performs service for hire for an employer for an average of 20 or more hours per week, but does not include an independent contractor. (C) Provides the qualified employer with notice, within two business days of receiving official notice that the qualified member will be on leave from deployment, of his or her intention to take the leave provided for in subdivision (a). (D) Submits written documentation to the qualified employer certifying that the qualified member will be on leave from deployment during the time the leave provided for in subdivision (a) is requested. (3) “Qualified employer” includes any individual, corporation, company, firm, state, city, county, city and county, municipal corporation, district, public authority, or any other governmental subdivision, that employs 25 or more employees. (4) “Qualified member” means a person who is any of the following: (A) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States. (B) A member of the National Guard who has been deployed during a period of military conflict. (C) A member of the Reserves who has been deployed during a period of military conflict. (5) “Qualified leave period” means the period during which the qualified member is on leave from deployment during a period of military conflict. (c) A qualified employer shall not retaliate against a qualified employee for requesting or
-------------------	--

taking the leave provided for in this section. (d) The leave provided for in this section shall not affect or prevent a qualified employer from allowing a qualified employee to take a leave that the qualified employee is otherwise entitled to take. (e) This section shall not affect a qualified employee's rights with respect to any other employee benefit provided for in other laws. SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are: In order to serve the families of those troops currently serving in military conflicts in Iraq and Afghanistan, and to assure that these families are able to spend time together during the qualified member's leave from deployment, it is necessary that this act take effect immediately.

**Connecticut**

**31-51ll** (a) (1) Subject to section 31-51mm, as amended by this act, an eligible employee shall be entitled to a total of sixteen workweeks of leave during any twenty-four-month period, such twenty-four-month period to be determined utilizing any one of the following methods: (A) Consecutive calendar years; (B) any fixed twenty-four-month period, such as two consecutive fiscal years or a twenty-four-month period measured forward from an employee's first date of employment; (C) a twenty-four-month period measured forward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as amended by this act; or (D) a rolling twenty-four month period measured backward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as amended by this act. (2) Leave under this subsection may be taken for one or more of the following reasons: (A) Upon the birth of a son or daughter of the employee; (B) Upon the placement of a son or daughter with the employee for adoption or foster care; (C) In order to care for the spouse, or a son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition; (D) Because of a serious health condition of the employee; or (E) In order to serve as an organ or bone marrow donor. (b) Entitlement to leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section may accrue prior to the birth or placement of a son or daughter when such leave is required because of such impending birth or placement. (c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section for the birth or placement of a son or daughter may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer agree otherwise. Subject to subdivision (2) of this subsection concerning an alternative position, subdivision (2) of subsection (f) of this section concerning the duties of the employee and subdivision (5) of subsection (b) of section 31-51mm, as amended by this act, concerning sufficient certification, leave under subparagraph (C) or (D) of subdivision (2) of subsection (a) or under subsection (i) of this section for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction of the total amount of leave to which the employee is entitled under subsection (a) of this section beyond the amount of leave actually taken. (2) If an employee requests intermittent leave or leave on a reduced leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection (i) of this section that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that (A) has equivalent pay and benefits, and (B) better accommodates recurring periods of leave than the regular employment position of the employee, provided the exercise of this authority shall not conflict with any provision of a collective bargaining agreement between such employer and a labor organization which is the collective bargaining representative of the unit of which the employee is a part. (d) Except as provided in subsection (e) of this section, leave granted under subsection (a) of this section may consist of unpaid leave. (e) (1) If an employer provides paid leave for fewer than sixteen workweeks, the additional weeks of leave necessary to attain the sixteen workweeks of leave required under sections 5-248a, as amended by this act, and 31-51kk to 31-51qq, inclusive, as amended by this act, may be provided without compensation. (2) (A) An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave or family leave of the employee for leave provided under subparagraph (A), (B) or (C) of subdivision (2) of subsection (a) of this section for any part of [this] the sixteen-week period of such leave under said subsection or under subsection (i) of this section for any part of the twenty-six-week period of such leave. (B) An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) of this section for any part of the sixteen-week period of such leave under said subsection or under subsection (i) of this section for any part of the twenty-six-week period of leave, except that nothing in section 5-248a, as amended by this act, or sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally

provide any such paid leave. (f) (1) In any case in which the necessity for leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section is foreseeable based on an expected birth or placement of a son or daughter, the employee shall provide the employer with not less than thirty days' notice, before the date of the leave is to begin, of the employee's intention to take leave under said subparagraph (A) or (B), except that if the date of the birth or placement of a son or daughter requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable. (2) In any case in which the necessity for leave under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection (i) of this section is foreseeable based on planned medical treatment, the employee (A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee, as appropriate; and (B) shall provide the employer with not less than thirty days' notice, before the date the leave is to begin, of the employee's intention to take leave under said subparagraph (C), (D) or (E), except that if the date of the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable. (g) In any case in which a husband and wife entitled to leave under subsection (a) of this section are employed by the same employer, the aggregate number of workweeks of leave to which both entitled may be limited to sixteen workweeks during any twenty-four month period, if such leave is taken: (1) Under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section which a husband and wife entitled to leave under subsection (i) of this section are employed workweeks of leave to which both may be entitled may be limited to twenty-six workweeks during any twelve-month period. (h) Unpaid leave taken pursuant to sections 5-248a, as amended by this act, and 31-51kk to 31-51qq, inclusive, as amended by this act, shall not be construed to affect an employee's qualification for exemption under chapter 558. (i) Subject to section 31-51mm, as amended by this act, an eligible employee who is the spouse, son or daughter, parent, or next of kin of a current member of the armed forces, as defined in section 27-103, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty, shall be entitled to a one-time benefit of twenty-six workweeks of leave during any twelve-month period for each armed forces member per serious injury or illness incurred in the line of duty. Such twelve-month period shall commence on an employee's first day of leave taken to care for a covered armed forces member and end on the date twelve months after such first day of leave. For the purposes of this subsection, (1) "next of kin" means the armed forces member's nearest blood relative, other than the covered armed forces member's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the armed forces member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered armed forces member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave, in which case the designated individual shall be deemed to be the covered armed forces member's next of kin; and (2) "son or daughter" means a biological, adopted, foster child, stepchild, legal ward or a child for whom the eligible employee or armed forces member stood in loco parentis and who is any age. (j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall not run concurrent with the provisions of section 31-313. (k) Notwithstanding the provisions of sections 5-248a, as amended by this act, and 31-51kk to 31-51qq, inclusive, as amended by this act, all further rights granted by federal law shall remain in effect. Sec. 2. Section 31-51mm of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*): (a) An employer may require that request for leave based on a serious health condition in subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, or leave based on subsection (i) of section 31-51ll, as amended by this act, be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, parent or next of kin of the employee, as appropriate. The timely manner, a copy of such certification to the employer. (b) Certification provided under subsection (a) of this section shall be sufficient if it states: (1) The date on which the serious health condition commenced; (2) The probable duration of the condition; (3) The appropriate medical facts within the knowledge of the health care provider regarding the condition; (4) (A) For purposes of leave under subparagraph (C) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee needs to care for the son, daughter, spouse, parent or next of kin; and (B) for purposes of leave under subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, a statement that the employee is unable to perform the functions of the position of the employee; (5) In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment; (6) In the case of certification for intermittent leave or leave on a reduced leave schedule under subparagraph

(D) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, a statement of the medical necessity of the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; (7) In the case of certification for intermittent leave or leave on a reduced leave schedule under subparagraph (C) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the son, daughter, parent or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule; and (8) In the case of certification for intermittent leave or leave on a reduced leave schedule under subsection (i) of section 31-51ll, as amended by this act, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the spouse, son or daughter, parent or next of kin who is a current member of the armed forces, as defined in section 27-103, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list, for a serious injury or illness incurred in the line of duty, and the expected duration and schedule of the intermittent leave or reduced leave schedule. For the purposes of this subsection, "son or daughter" and "next of kin" shall have the same meaning as in subsection (i) of section 31-51ll, as amended by this act. (c) (1) In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) of this section for leave under subparagraph (C) or (D) of subdivision (2) of subsection (a) or under subsection (i) of section 31-51ll, as amended by this act, the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) of this section for such leave. (2) A health care provider designated or approved under subdivision (1) of this subsection shall not be employed on a regular basis by the employer. (d) (1) In any case in which the second opinion described in subsection (c) of this section differs from the opinion in the original certification provided under subsection (a) of this section, the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b) of this section. (2) The opinion of the third health care provider concerning the information certified under subsection (b) of this section shall be considered to be final and shall be binding on the employer and the employee. (e) The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis, provided the standards for determining what constitutes a reasonable basis for recertification may be governed by a collective bargaining agreement between such employer and a labor organization which is the collective bargaining representative of the unit of which the worker is a part if such a collective bargaining agreement is in effect. Unless otherwise required by the employee's health care provider, the employer may not require recertification more than once during a thirty-day period and, in any case, may not unreasonably require recertification. The employer shall pay for any recertification that is not covered by the employee's health insurance.

Sec. 3. Section 5-248a of the general statutes is repealed and the following is substituted in lieu thereof (a) For purposes of this section, "child" means a biological, adopted or foster child, stepchild, child of whom a person has legal guardianship or custody, or, in the alternative, a child of a person standing in loco parentis, who is (1) under eighteen years of age, or (2) eighteen years of age or older and incapable of self-care because of a mental or physical disability. Each permanent employee, as defined in subdivision (20) of section 5-196, shall be entitled to a family leave of absence upon the birth or adoption of a child of such employee, or upon the serious illness of a child, spouse or parent of such employee; and a medical leave of absence upon the serious illness of such employee or in order for such employee to serve as an organ or bone marrow donor. The total amount of time that an employee is entitled to for leaves of absence pursuant to this section shall be twenty-four weeks within any two-year period. Any such leave of absence shall be without pay. Upon the expiration of any such leave of absence, the employee shall be entitled (A) to return to the employee's original job from which the leave of absence was provided or, if not available, to an equivalent position with equivalent pay, except that in the case of a medical leave, if the employee is medically unable to perform the employee's original job upon the expiration of such leave, the Personnel Division of the Department of Administrative Services shall endeavor to find other suitable work for such employee in state service, and (B) to all accumulated seniority, retirement, fringe benefit and other service credits the employee had at the commencement of such leave. Such service credits shall not accrue during the period of the leave of absence. (b) The leave of absence benefits granted by this section shall be in addition to any other paid leave benefits and benefits provided under subdivision (7) of subsection (a) of section 46a-60 which are otherwise available to the employee. (c) Any permanent employee who requests a medical leave of absence due to the employee's serious illness or a family leave of absence due to the serious illness of a child, spouse or parent

pursuant to subsection (a) of this section or a military caregiver leave of absence pursuant to subsection (g) of this section shall be required by the employee's appointing authority, prior to the inception of such leave, to provide sufficient written certification from the physician of such employee, child, spouse, [or] parent or next of kin of the employee, as appropriate, of the nature of such illness and its probable duration. For the purposes of this section, "serious illness" means an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential care facility, or (2) continuing treatment or continuing supervision by a health care provider. (d) Any permanent employee who requests a medical leave of absence in order to serve as an organ or bone marrow donor pursuant to subsection (a) of this section shall be required by the employee's appointing authority, prior to the inception of such leave, to provide sufficient written certification from the physician of such employee of the proposed organ or bone marrow donation and the probable duration of the employee's recovery period from such donation. (e) Any permanent employee who requests a family leave of absence pursuant to subsection (a) of this section or a military caregiver leave of absence pursuant to subsection (g) of this section shall submit to the employee's appointing authority, prior to the inception of such leave, a signed statement of the employee's intent to return to the employee's position in state service upon the termination of such leave. (f) Notwithstanding the provisions of subsection (b) of section 38a-554, the state shall pay for the continuation of health insurance benefits for the employee during any leave of absence taken pursuant to this section. In order to continue any other health insurance coverages during such leave, the employee shall contribute that portion of the premium the employee would have been required to contribute had the employee remained an active employee during the leave period. (g) Each permanent employee, as defined in subdivision (20) of section 5-196, who is the spouse, son or daughter, parent or next of kin of a current member of the armed forces, as defined in section 27-103, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty, shall be entitled to a one-time benefit of twenty-six workweeks of leave within a single two-year period for each armed forces member per serious injury or illness incurred in the line of duty. (h) For purposes of subsection (g) of this section, (1) "next of kin" means the armed forces member's nearest blood relative, other than the covered armed forces member's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the armed forces member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered armed forces member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave, in which case the designated individual shall be deemed to be the covered armed forces member's next of kin; and (2) "son or daughter" means a biological, adopted, foster child, stepchild, legal ward or a child for whom the eligible employee or armed forces member stood in loco parentis and who is any age.

**Illinois**

**820 ILCS 151** Sec. 1. Short title. This Act may be cited as the Family Military Leave Act.

**820 ILCS 151/5** In this Act: "Employee" means any person who may be permitted, required, or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment. "Employee" does include an independent contractor. "Employee" includes an employee of a covered employer who has been employed by the same employer for at least 12 months, and has been employed for at least 1,250 hours of service during the 12 month period immediately preceding the commencement of the leave. "Employee benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance and pensions, regardless of whether benefits are provided by a policy or practice of an employer. "Employer" means (1) any person, partnership, corporation, association, or other business entity; and (2) the State of Illinois, municipalities and other units of local government. "Family military leave" means leave requested by an employee who is the spouse or parent of a person called to military service lasting longer than 30 days with the State or United States pursuant to the orders of the Governor or the President of the United States.

**820 ILCS 151/10** (a) Any employer, as defined in Section 5 of this Act, that employs between 15 and 50 employees shall provide up to 15 days of unpaid family military leave to an employee during the time federal or State deployment orders are in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave. (b) An employer, as defined in Section 5 of this Act, that employs more than 50 employees shall provide up to 30 days of unpaid family military leave to an employee during the time federal or State deployment orders are in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave. (c) The employee shall give at least 14 days notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more

consecutive work days. Where able, the employee shall consult with the employer to schedule the leave so as to not unduly disrupt the operations of the employer. Employees taking military family leave for less than 5 consecutive days shall give the employer advanced notice as is practicable. The employer may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested. (d) An employee shall not take leave as provided under this Act unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee, except sick leave and disability leave.

**820 ILCS 151/15** (a) Any employee who exercises the right to family military leave under this Act, upon expiration of the leave, shall be entitled to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. This Section does not apply if the employer proves that the employee was not restored as provided in this Section because of conditions unrelated to the employee's exercise of rights under this Act. (b) During any family military leave taken under this Act, the employer shall make it possible for employees to continue their benefits at the employee's expense. The employer and employee may negotiate for the employer to maintain benefits at the employer's expense for the duration of the leave.

**820 ILCS 151/20** (a) Taking family military leave under this Act shall not result in the loss of any employee benefit accrued before the date on which the leave commenced. (b) Nothing in this Act shall be construed to affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan that provides greater leave rights to employees than the rights provided under this Act. (c) The family military leave rights provided under this Act shall not be diminished by any collective bargaining agreement or employee benefit plan.

(d) Nothing in this Act shall be construed to affect or diminish the contract rights or seniority status of any other employee of any employer covered under this Act.

**820 ILCS 151/25** (a) An employer shall not interfere with, restrain, or deny the exercise or the attempt to exercise any right provided under this Act. (b) An employer shall not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee that exercises any right provided under this Act. (c) An employer shall not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for opposing any practice made unlawful by this Act.

**820 ILCS 151/30** A civil action may be brought in the circuit court having jurisdiction by an employee to enforce this Act. The circuit court may enjoin any act or practice that violates or may violate this Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this Act.

**Indiana**

**22-2-13-1** This chapter applies to an employer that employs at least fifty (50) employees for each working day during each of at least twenty (20) calendar work weeks.

**IC 22-2-13-2** As used in this chapter, "armed forces of the United States" means the active or reserve components of: (1) the Army; (2) the Navy; (3) the Air Force; (4) the Coast Guard; (5) the Marine Corps; or (6) the Merchant Marine.

**22-2-13-2.5** As used in this chapter, "grandparent" means a biological grandparent, an adoptive grandparent, a foster grandparent, or a stepgrandparent.

**IC 22-2-13-3** As used in this chapter, "employee" means a person employed or permitted to work or perform services for remuneration under a contract of hire, written or oral, by an employer.

**IC 22-2-13-4** As used in this chapter, the term "employer" includes the state and political subdivisions of the state.

**IC 22-2-13-5** As used in this chapter, "grandparent" means a biological grandparent.

**IC 22-2-13-6** As used in this chapter, "health care benefits" means employer provided health coverage, including coverage for medical care, prescription drugs, vision care, medical savings accounts, or any other health related benefit.

**IC 22-2-13-7** As used in this chapter, "active duty" means full-time service on active duty orders in: (1) the armed forces of the United States; or (2) the National Guard; for a period

that exceeds eighty-nine (89) consecutive calendar days.

**IC 22-2-13-8** As used in this chapter, "National Guard" means: (1) the Indiana Army National Guard; or (2) the Indiana Air National Guard.

**IC 22-2-13-9.** As used in this chapter, "parent" means: (1) a biological father or mother; (2) an adoptive father or mother; (3) a court appointed guardian or custodian; (4) a foster parent; or (5) a stepparent.

**IC 22-2-13-10** As used in this chapter, "sibling" means: (1) a biological brother or sister; (2) an adoptive brother or sister; (3) a foster brother or sister; or (4) a stepbrother or stepsister.

**IC 22-2-13-11** (a) An employee who: (1) has been employed by an employer for at least twelve (12) months; (2) has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and (3) is the spouse, parent, grandparent, **child**, or sibling of a person who is ordered to active duty; is entitled to an unpaid leave of absence as provided in subsection (b). (b) An employee may take a leave of absence during one (1) or more of the following periods: (1) During the thirty (30) days before active duty orders are in effect. (2) During a period in which the person ordered to active duty is on leave while active duty orders are in effect. (3) During the thirty (30) days after the active duty orders are terminated. (c) The leave of absence allowed each **calendar** year under subsection (a) may not exceed a total of ten (10) working days. (d) An eligible employee may elect, or an employer may require the employee, to substitute any earned paid vacation leave, personal leave, or other paid leave, except for paid medical or sick leave, available to the employee for leave provided under this chapter for any part of the ten (10) day period of such leave.

**IC 22-2-13-12** (a) An employee who wants to take a leave of absence under this chapter shall provide written notice, including a copy of the active duty orders if available, to the employee's employer of the date the leave will begin. An employee shall give at least thirty (30) days notice before the date on which the employee intends to begin the leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin. (b) An employer may require verification of an employee's eligibility for the leave. If an employee fails to provide verification required under this subsection, an employer may consider the employee's absence from employment unexcused.

**IC 22-2-13-13** (a) Except as provided in subsection (b), after an employee takes a leave of absence under this chapter, an employee must be restored to: (1) the position that the employee held before the leave; or (2) a position equivalent to the position that the employee held before the leave, with equivalent seniority, pay, benefits, and other terms and conditions of employment. (b) An employer is not required to restore an employee to a position described in subsection (a) if the employer proves that the reason that the employee was not restored to the position is unrelated to the employee's exercise of the employee's rights under this chapter.

**IC 22-2-13-14** An employer shall permit an employee who is taking a leave of absence under this chapter to continue the employee's health care benefits at the employee's expense.

**IC 22-2-13-15** An employer shall not interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this chapter.

**IC 22-2-13-16** (a) An employee may bring a civil action at law to enforce this chapter. (b) A circuit court may: (1) enjoin any act or practice that violates this chapter; and (2) order any other equitable relief that is just and proper under the circumstances to redress the violation of or to enforce this chapter.

**Maine**

**814.** 1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings. A. "Deployed for military service" or "deployment" means active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater or in an area where armed conflict is taking place. B. "Employee" means any person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment and who has been employed by the same employer for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately

preceding the commencement of the employee's family military leave. C. "Employee benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance and pensions, regardless of whether benefits are provided by a policy or practice of an employer. D. "Employer" means: (1) Any person, partnership, corporation, association or other business entity; and (2) The State, a county, a municipality or any political subdivision. E. "Family military leave" means leave requested by an employee who is the spouse, domestic partner or parent of a person who is a resident of the State and is deployed for military service for a period lasting longer than 180 days with the State or United States pursuant to the orders of the Governor or the President of the United States. 2. Family military leave requirement. Subject to the requirements of subsection 3, an employer that employs 15 or more employees shall provide each eligible employee up to 15 days of family military leave per deployment, if requested by the employee. Family military leave under this subsection may be taken only during one or more of the following time frames: A. The 15 days immediately prior to deployment; B. Deployment, if the military member is granted leave; or C. The 15 days immediately following the period of deployment. Family military leave granted under this section may consist of unpaid leave. 3. Notice requirements. An employee taking family military leave under this section is subject to the following. A. The employee must give at least 14 days' notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days. B. An employee taking family military leave for fewer than 5 consecutive work days must give the employer advance notice as is practicable. C. The employee shall consult with the employer to attempt to schedule the leave so as to not unduly disrupt the operations of the employer. 4. Certification. An employer may require certification from the proper military authority to verify an employee's eligibility for the family military leave requested pursuant to this section. 5. Restoration to position. An employee who exercises the right to family military leave under this section is entitled, upon expiration of the leave, to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. This subsection does not apply if the employer proves that the employee was not restored as provided in this subsection because of conditions unrelated to the employee's exercise of rights under this section. 6. Employee benefits protection. An employer shall make it possible for an employee to continue employee benefits at the employee's expense during any family military leave taken under this section. The employer and employee may negotiate for the employer to maintain employee benefits at the employer's expense for the duration of the leave. A. Taking family military leave under this section does not result in the loss of any employee benefit accrued before the date on which the leave commenced. B. Nothing in this section may be construed to affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan that provides greater leave rights to employees than the rights provided under this section. C. The family military leave rights provided under this section may not be diminished by any collective bargaining agreement or employee benefit plan. D. Nothing in this section may be construed to affect or diminish the contract rights or seniority status of any other employee of any employer covered under this section. 7. Prohibited acts. An employer may not: A. Interfere with, restrain or deny the exercise or the attempt to exercise any right provided under this section; B. Discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee who exercises any right provided under this section; or C. Discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for opposing any practice made unlawful by this section. 8. Enforcement. An employee may bring a civil action in Superior Court to enforce this section. The court may enjoin any act or practice that violates or may violate this section and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this section.

**Minnesota**

**181.947** Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section. (b) "Active service" has the meaning given in section [190.05, subdivision 5](#). (c) "Employee" means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer. (d) "Employer" means a person or entity located or doing business in this state and having one or more employees, and includes the state and all political or other governmental subdivisions of the state. (e) "Immediate family member" means a person's parent, child, grandparents, siblings, or spouse. Subd. 2. Unpaid leave required. An employer must grant up to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. Subd. 3. Notice. An employee must give as much notice to the employee's employer as practicable of the employee's intent to exercise the leave guaranteed by this section. Subd. 4. Relationship to other leave. The length of leave provided under this section may be reduced by any period of paid leave provided by the employer. Nothing in this section prevents an employer from providing leave benefits in addition to those provided in this section or otherwise affects an employee's rights with respect to other employment

benefits.

**Oregon**

**ORS 659A-3** (1) Notwithstanding ORS 659A.001, 'employee' means an individual who performs services for compensation for an employer for an average of at least 20 hours per week. 'Employee ' includes all individuals employed at any site owned or operated by an employer, but does not include independent contractors. Section 3 Notwithstanding ORS 659A.001, 'employer' means:(a) A person, firm, corporation, partnership, legal representative or other business entity that engages in any business, industry, profession or activity in this state and that employs 25 or more persons in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which leave is taken under section 4 of this 2009 Act or the year immediately preceding the year in which the leave is to be taken;(b) The state, and a department, agency, board or commission of the state; and (c) A local government, including, but not limited to, a county, city, town, municipal corporation, independent public corporation or political subdivision of the state. (3) 'Period of military conflict' means a period of war:(a) Declared by the United States Congress;(b) Declared by executive order of the President of the United States; or (c) In which a reserve component of the Armed Forces of the United States is ordered to active duty pursuant to Title 32 of the United States Code or section 12301 or 12302 of Title 10 of the United States Code. Section 4. During a period of military conflict, an who is a spouse of a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States who has been notified of an impending call or order to active duty or who has been deployed is entitled to a total of 14 days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment. (2) An employee who takes leave authorized under this section is entitled to be restored to a position of employment and to the continuation of benefits as provided in ORS 659A.171. (3) An employee who intends to take leave as authorized under this section must provide the employer with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment. (4) An employee who takes leave authorized under this section may elect to substitute any accrued leave to which the employee is entitled for any part of the leave provided under this section. (5) Leave taken under this section shall be included in the total amount of leave authorized under ORS 659A.162. (6) The Bureau of Labor and Industries may adopt rules necessary for the implementation and administration of sections 2 to 5 of this 2009 Act. Section 5. It is an unlawful practice for an employer to:(1) Deny military family leave to an employee who is entitled to such leave under sections 2 to 5 of this 2009 Act; or(2) Retaliate or in any way discriminate against an individual with respect to hire or tenure or any other term or condition of employment because the individual has inquired about the provisions of sections 2 to 5 of this 2009 Act, submitted a request for military family leave or invoked any provision of sections 2 to 5 of this 2009 Act. **SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter 659A. SECTION 2. Sections 2 to 5 of this 2009 Act may be cited as the Oregon Military Family Leave Act. SECTION 3.** As used in sections 2 to 5 of this 2009 Act: (1) Notwithstanding ORS 659A.001, "employee" means an individual who performs services for compensation for an employer for an average of at least 20 hours per week. "Employee" includes all individuals employed at any site owned or operated by an employer, but does not include independent contractors. (2) Notwithstanding ORS 659A.001, "employer" means: (a) A person, firm, corporation, partnership, legal representative or other business entity that engages in any business, industry, profession or activity in this state and that employs 25 or more persons in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which leave is taken under section 4 of this 2009 Act or the year immediately preceding the year in which the leave is to be taken; (b) The state, and a department, agency, board or commission of the state; and (c) A local government, including, but not limited to, a county, city, town, municipal corporation, independent public corporation or political subdivision of the state. (3) "Period of military conflict" means a period of war: (a) Declared by the United States Congress; (b) Declared by executive order of the President of the United States; or (c) In which a reserve component of the Armed Forces of the United States is ordered to active duty pursuant to Title 32 of the United States Code or section 12301 or 12302 of Title 10 of the United States Code. **SECTION 4.** (1) During a period of military conflict, an employee who is a spouse of a member of the Armed Forces of the United States, the National Guard or the military re-Enrolled House Bill 2744 (HB 2744-A) Page 1 serve forces of the United States who has been notified of an impending call or order to active duty or who has been deployed is entitled to a total of 14 days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment. (2) An employee who takes leave authorized under this section is entitled to be restored to a position of employment and to the continuation of benefits as provided in ORS 659A.171. (3) An employee who intends to take leave as authorized under this section must provide the employer with notice of the intention

to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment. (4) An employee who takes leave authorized under this section may elect to substitute any accrued leave to which the employee is entitled for any part of the leave provided under this section. (5) Leave taken under this section shall be included in the total amount of leave authorized under ORS 659A.162. (6) The Bureau of Labor and Industries may adopt rules necessary for the implementation and administration of sections 2 to 5 of this 2009 Act. **SECTION 5.** It is an unlawful practice for an employer to: (1) Deny military family leave to an employee who is entitled to such leave under sections 2 to 5 of this 2009 Act; or (2) Retaliate or in any way discriminate against an individual with respect to hire or tenure or any other term or condition of employment because the individual has inquired about the provisions of sections 2 to 5 of this 2009 Act, submitted a request for military family leave or invoked any provision of sections 2 to 5 of this 2009 Act. **SECTION 6.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage. **SECTION 6.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

**Washington**

**38.40.060 Sec. 1.** In order to support the families of military personnel serving in military conflicts, and to assure that these families are able to spend time together after being notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment, the legislature hereby creates the military family leave act. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Department" and "spouse" have the same meanings as in RCW 49.78.020. (2) "Employee" means a person who performs service for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer, but does not include an independent contractor. (3) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state; (b) the state, state institutions, and state agencies; and (c) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision. (4) "Period of military conflict" means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code. **Sec. 3.** (1) During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment. (2) An employee who takes leave under this chapter is entitled: (a) To be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280; and (b) to continue benefits in the same manner as an employee entitled to leave under chapter 49.78 RCW continues benefits, as specified in RCW 49.78.290. (3) An employee who seeks to take leave under this chapter must provide the employer with notice, within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave under this chapter. (4) An employer from which an employee seeks to take leave or takes leave under this chapter shall not engage in prohibited acts as specified in RCW 49.78.300. (5) An employee who takes leave under this chapter may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave provided under this chapter. (6) The department shall administer the provisions of this chapter, and may adopt rules as necessary to implement this chapter. (7) This chapter shall be enforced as provided in chapter 49.78 RCW. **Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 49 RCW. **Sec. 5.** RCW 38.40.060 and 2001 c 71 s 1 are each amended to read as follows: Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding ((fifteen)) twenty-one days during each year beginning October 1st and ending the following September 30th. Such leave shall be granted in order that the person may report for active duty, when called, or take part in active training duty in such manner and at such time as he or she may be ordered to active duty or active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or employee shall receive from the state, or

the county, city, or other political subdivision, his or her normal pay.

**49.7701** In order to support the families of military personnel serving in military conflicts, and to assure that these families are able to spend time together after being notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment, the legislature hereby creates the military family leave act.

**49.77.020** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Department" and "spouse" have the same meanings as in RCW [49.78.020](#). (2) "Employee" means a person who performs service for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer, but does not include an independent contractor. (3) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state; (b) the state, state institutions, and state agencies; and (c) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision. (4) "Period of military conflict" means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

**49.77.030** (1) During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment. (2) An employee who takes leave under this chapter is entitled: (a) To be restored to a position of employment in the same manner as an employee entitled to leave under chapter [49.78](#) RCW is restored to a position of employment, as specified in RCW [49.78.280](#); and (b) to continue benefits in the same manner as an employee entitled to leave under chapter [49.78](#) RCW continues benefits, as specified in RCW [49.78.290](#). (3) An employee who seeks to take leave under this chapter must provide the employer with notice, within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave under this chapter. (4) An employer from which an employee seeks to take leave or takes leave under this chapter shall not engage in prohibited acts as specified in RCW [49.78.300](#). (5) An employee who takes leave under this chapter may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave provided under this chapter. (6) The department shall administer the provisions of this chapter, and may adopt rules as necessary to implement this chapter. (7) This chapter shall be enforced as provided in chapter [49.78](#) RCW.

**26.60** It is the intent of the legislature that for all purposes under state law, state registered domestic partners shall be treated the same as married spouses. Any privilege, immunity, right, benefit, or responsibility granted or imposed by statute, administrative or court rule, policy, common law or any other law to an individual because the individual is or was a spouse, or because the individual is or was an in-law in a specified way to another individual, is granted on equivalent terms, substantive and procedural, to an individual because the individual is or was in a state registered domestic partnership or because the individual is or was, based on a state registered domestic partnership, related in a specified way to another individual. The provisions of this act shall be liberally construed to achieve equal treatment, to the extent not in conflict with federal law, of state registered domestic partners and married spouses.

**34.05** (1) Subject to the availability of funds appropriated for this specific purpose, except where inconsistent with federal law or regulations applicable to federal benefit programs, agencies shall amend their rules to reflect the intent of the legislature to ensure that all privileges, immunities, rights, benefits, or responsibilities granted or imposed by statute to an individual because that individual is or was a spouse in a marital relationship are granted or imposed on equivalent terms to an individual because that individual is or was in a state registered domestic partnership. (2) Except where inconsistent with federal law or regulations applicable to federal benefit programs, all agency orders creating new rules, or amending existing rules, shall be formulated to reflect the intent stated in subsection (1) of this section. (3) No agency rule is invalid because it does not comply with this section.