

National Guides



Littler on Leaves of Absence: Military & Civic Duty

Scope of Discussion. An employer's obligation to provide leaves of absence under various federal and state medical and disability laws has garnered much attention in recent years. But often overlooked is an employer's obligation to provide leave for an employee's military service, as well as an employee's civic service (jury duty and witness duty). As U.S. servicemembers return to civilian life and the private sector workforce from military service, employers must be prepared to accurately respond to requests by returning veterans about their reemployment rights. This publication summarizes employers' obligations and employees' rights to take leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA), military caregiver and qualifying exigency leave related to military service under the Family and Medical Leave Act (FMLA), and civic duty leaves under federal law. Note that some states provide greater employee protections and benefits for these types of leave than under federal law. As a result, employers are advised to consult legal counsel to determine whether any additional state laws apply.

The focus of this publication is federal law. While some state law distinctions may be included, the coverage is not comprehensive.

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