

EMPLOYMENT ALERT

Handling Requests for Time Off Under the BRAVE Act

October 2019

In August of 2018, Governor Charlie Baker signed into law An Act Relative to Veteran's Benefits, Rights, Appreciation, Validation and Enforcement, otherwise known as the BRAVE Act.

The BRAVE Act amended existing laws concerning Massachusetts veterans in a number of ways, some of which touch directly on the employer-employee relationship.

Prior to the passage of the BRAVE Act, employers were required to grant time off, on both Veteran's Day and Memorial Day, to employees who are veterans and/or members of a Massachusetts Department of War Veterans organization, provided the time was used to participate in some form of celebration. Any employer with 50 or more employees was further required to pay employees for such time taken.

VETERANS DAY

Under the BRAVE Act, employees who are veterans and/or members of a Massachusetts Department of War Veterans organization must be allowed time off to observe Veterans Day, regardless of whether they participate in a celebration, exercise or the like. However, pay for such time taken is at the employer's discretion.

MEMORIAL DAY

Employers must also allow time off to observe Memorial Day. Unlike on Veterans Day, this mandatory requirement is triggered only when the employee is a veteran and/or member of a Massachusetts Department of War Veterans organization and is taking the day off to

participate in a Memorial Day exercise, parade or service. Pay for such time off remains at the employer's discretion.

With Veterans Day fast approaching next month, we encourage all Massachusetts employers to review their policies addressing leave for Veterans Day and Memorial Day, and ensure that managers are properly trained to handle leave requests for these holidays.

CONTACT

Please contact a member of our [Employment Law Practice](#) to discuss the impact of this new law on your company's policies and practices.