

Connecticut Enacts New Laws Expanding Protections for Veterans and Revising the State Military Leave Law

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Connecticut Governor Dannel P. Malloy has signed two laws expanding benefits and protections to veterans. The first would reinstate eligibility for state benefits to any veterans discharged from the armed services, regardless of discharge classification, who were denied benefits solely based on their sexual orientation (Pub. Act 13-48). The second would revise current military leave protections to employees who are members of the state armed forces who take time from their employment to perform ordered military duty (Pub. Act 13-49). The laws become effective on October 1, 2013.

Pub. Act 13-48 provides that, if the federal government reinstates eligibility for federal benefits to discharged veterans who were denied such benefits solely based on their sexual orientation under federal policy prohibiting homosexuals from serving in the armed forces, the state also must restore eligibility for state benefits to such veterans.

Pub. Act 13-49 revises the existing state military leave law, Conn. Gen. Stat. 27-33a, to extend state military leave rights for "military duty." Previously, state law only provided leave for "meetings or drills." As revised, the law mandates employers to provide employees who are members of the armed services of the United States or the state a leave of absence for military duty. Such employees may not be subject, directly or indirectly, to any loss or reduction of vacation or holiday privileges or be subject to discrimination in promotion or continuation of, or reappointment to, employment as a result of their service. The revised law Conn. Gen. Stat. 27-33a likely duplicates the protections under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), see our article, Final USERRA Regulations from Department of Labor Go into Effect January 18. However, as the statute fails to define "military duty," it is uncertain whether the Connecticut law would be interpreted to provide limited leave similar to that available under USERRA, i.e., for members of the Reserves and National Guard.

If you have any questions about this or other workplace developments, please contact Shawn Kee, at (203) 961-0404 or KeeC@jacksonlewis.com, or the Jackson Lewis attorney with whom you regularly work.

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