



Ezra, Brutzkus, Gubner, LLP

Employment Law Update

NEW LEAVE RIGHTS FOR MILITARY SPOUSES

On October 9, 2007 Governor Schwarzenegger signed into law an amendment to the California Military and Veterans Code which requires “qualified employers” to provide a “qualified employee” who is the spouse of a “qualified member” of the armed forces ten days of unpaid leave during a “qualified leave period.”

- A “qualified employer” is any employer that employs 25 or more employees.
- A “qualified employee” is an employee who is:
 - The spouse of a “qualified member”;
 - Employed an average of 20 or more hours per week;
 - Not an independent contractor; and who
 - Provides notice of an intent to take a leave to the employer within two business days of receiving official notice that the “qualified member” will be on leave; and
 - Submits documentation that the “qualified member” will be on leave at that time.
- A “qualified member” is a person who is:
 - A member of the Armed Forces deployed during a period of military conflict in a combat zone;
 - A member of the National Guard or Reserves deployed during a period of military conflict.
- A “qualified leave period” is the period during which a “qualified member” is on leave from deployment.

The law also:

Prohibits retaliation against “qualified employees” who request leave.

Provides that leave taken under the law shall not affect an employees other rights to take a leave or any other benefits.

Ezra Brutzkus Gubner LLP offers its clients advice and counsel in all areas of labor and employment law . **Richard L. Mann** has 30 years of experience representing employers around the nation in all aspects of labor and employment law including discrimination, wrongful termination and wage-hour disputes and traditional labor relations. Mr. Mann has represented employers in a variety of industries including apparel, hospitality, manufacturing, transportation, entertainment, packaging and various service industries.

The EB+G Update is intended to present a brief overview of current legal issues. Nothing contained in this Update should be understood to be legal advice on a specific, individual matter. It is general commentary on the subjects discussed. Your questions and comments are welcome.