

# EMPLOYMENT LAW SUMMARY

## Montana Employee Leave Laws - Overview



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Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Montana employers are required by state law to provide certain types of leave for their employees, in addition to leave under federal laws such as the Family and Medical Leave Act.

Montana state law mandates that employers provide:

- Leave for employees holding public office;
- Military leave; and
- Maternity leave.

The chart below provides a high-level overview of Montana's state employee leave laws. It does not address federal laws.

### Overview of Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
Leave for Employees Holding Public Office	An employer who employs <b>10 or more employees</b> must grant employees who are elected or appointed to a public office up to <b>180 days of unpaid leave</b> per year in order to perform public services. An employee who returns to work within 10 days following his or her public service must be restored to his or her position with the same seniority, status, compensation, hours, locality and benefits as existed prior to the leave.
Military Leave	Montana law prohibits discrimination against members of the national guard (of any state) and provides the following job protections for members of the armed services: •Members ordered to federally-funded military duty (voluntary or involuntary, and including training) are entitled to the reemployment rights and benefits provided under USERRA. •Members ordered to state military duty (voluntary or involuntary) are entitled to a leave of absence for the period of state military duty. The leave may not be deducted from any sick, vacation, military or other accrued leave, unless employees desire it. •Reemployment rights apply after leave for state military duty, with the same seniority, status, pay, health insurance, pension and other benefits as the member would have accrued if not on leave for state military duty. Members must request reemployment within a timely manner after state active duty, based on length of state military service.
Maternity Leave	All employers must grant employees reasonable leave due to pregnancy. An employee returning from maternity leave must be reinstated to her original position or an equivalent position with equal pay, seniority, retirement, fringe benefits and other service credits, unless the employer's circumstances have changed so as to make reemployment impossible or unreasonable. An employer may not terminate an employee because of pregnancy and may not deny an employee who is disabled due to pregnancy any compensation the employee is entitled to under disability or leave benefits. An employer may not require an employee to take a mandatory maternity leave for an unreasonable length of time.

## **More Information**

Contact Heffernan Insurance Brokers for more information on employee leave laws in Montana.

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