



Ooh-Rah! Veterans Day Gets a Little Sweeter for Oregon Veterans

October, 2013

With Veterans Day right around the corner (Monday, November 11) employers in Oregon should be aware of a new law, effective this year, which gives veterans the right to take their honorific day off.

Senate Bill 1 was passed in March 2013 and took effect immediately. The new law allows Oregon veterans to take Veterans Day off if they would otherwise be required to work, so long as they notify their employers of their intent to take the day off 21 days prior to the holiday (by October 21) and provide proof of their applicable veteran status. In Oregon, a veteran is essentially anyone who served in the Armed Forces of the United States and was discharged or released under honorable conditions. Individuals must have served for more than 178 consecutive days; they also qualify if they served for more than 90 consecutive days before January 31, 1955, were released for a disability, or were awarded a medal or ribbon for service. Veterans of the National Guard or reserves do not qualify for this privilege, nor do individuals who merely attended a military school (except as incident to an active enlistment or tour of duty).

An employer who receives such a request can deny the request if it would cause "significant economic or operational disruption" or create an "undue hardship." However, if an employer denies one veteran employee's request to take the day off under the new law, the law allows that the employer shall deny time off to the minimum number of employees necessary to prevent such a hardship or disruption (e.g., only allow five requests) or may deny all requests. If a qualifying employee does not get the holiday off, however, the law requires that the employer give that employee an agreed-upon day off within the following year "to honor the employee's service."

Employers may choose whether to give employees the day off as a paid or unpaid holiday.

The Oregon legislature constantly makes changes that affect an employer's obligations to its employees. It is a good practice to have an experienced employment attorney, who is familiar with the latest developments and requirements of the law, conduct a yearly review of your employee handbook and make sure that your business practices are fully in line with current law. Here at Bullivant Houser Bailey, we can do this for you quickly, efficiently and cost-effectively; please contact us to find out more about this important step to help keep your business compliant and out of court.