



Key Message

States can ensure that family leave laws include provisions for military-specific needs such as activations, training and transitions. This enables readiness by reducing family stress during critical mission periods.

Analysis

Twenty-three states currently have enacted state family leave laws that supplement the federal Family and Medical Leave Act. Variations in coverage from state to state create operational challenges for military families who face unique circumstances that civilian leave laws don't address.

When service members deploy to combat zones while worrying about their spouse's ability to handle family emergencies, activate for stateside missions responding to natural disasters or care for wounded warriors, these distractions can have life-or-death consequences on mission execution and military effectiveness.

Military families face situations that occur nowhere else in civilian employment: sudden deployment orders or activations, combat injuries requiring long-term care, predeployment legal preparations and reintegration challenges.

States that include military exigency clauses in their family leave frameworks recognize these unique operational demands and enable military spouses to support their service members without sacrificing income or employment security.

Best Practices

Comprehensive military exigency coverage

States can improve the federal Family and Medical Leave Act military exigency language while expanding coverage to address state-specific needs and broader military family circumstances.

EXAMPLE:

South Carolina Code of Laws, Title 38, Chapter 103, Section 38-103-20

<https://law.justia.com/codes/south-carolina/title-38/chapter-103/section-38-103-20/>

This statute authorizes family leave benefits for employees to:

“(3) address a qualifying exigency as interpreted under the Family and Medical Leave Act, 29 U.S.C. Section 2612(a)(1)(e) and 29 C.F.R. Section 825.126(a)(1)-(8), arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, or has been notified of an impending call or order to active duty, in the Armed Forces of the United States;

(4) care for a family service member injured in the line of duty; or

(5) take other leave to provide care for a family member or other family leave as specified in the policy of insurance.”

This approach incorporates military provisions into voluntary insurance frameworks, while allowing insurers flexibility to provide additional coverage. This ensures baseline military family support while enabling market-driven enhancements.